

In the United States District Court  
For the Western District Of Texas  
Waco Division

Juan Javier Ornelas  
TDCJ-CID # 01758617

Case No.


W-18-CV-056

v.

Alexander Hamilton

**FILED**

MAY 08 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY   
DEPUTY CLERK

Memorandum  
Additional Facts And Evidence  
Supporting Plaintiff's Complaint

On February 23, 2016: at TDCJ Boyd Unit, Officer Boykin found me in possession of K2: at Ex: A-001-2. He then locked me up in the administration building. While I was in lock up, Officer Wickliffe approached my cell and began talking to me about the K2 business at Boyd. He then asked me if I wanted to become an informant and help stop dirty officers from smuggling K2 into Boyd. I agreed to become an informant and wrote a statement for him.

On or about February 25, 2016: Mr. Boykin took me to his office to talk about the statement that I wrote for Mr. Wickliffe. Mr. Boykin told me that he wasn't mad at me because I was just a prisoner who was being taken advantage of by dirty officers. He then told me that he would be contacting TDCJ-OIG Alexander Hamilton to set up a meeting for me to begin informing on dirty officers.

On or about March 4, 2016: I met with Mr. Hamilton and provided him with information on prisoners and officers who were buying / selling K2 at Boyd. Afterwards, Mr. Hamilton asked me if there was something that he could do for me. I told him that I was worried about getting a case and getting transferred to a gang infested unit where I would have problems. Mr. Hamilton told me not to worry about that and to write him if I needed anything else. I was then released to General Population (G.P.).

When I was released to G.P. officers began to tell the prisoners that I had snitched on everyone and didn't get a case. I was labeled a snitch and prisoners began to talk about assaulting me.

Former prisoner James Brown began to use all of this to pressure me for sexual favors. He offered me his protection in exchange for oral sex. When I declined his offer he threatened to tell prisoners that he heard me snitching to induce them to assault me. I feared for my safety and life, and submitted to his demands for oral sex. This was not the first time that he pressured me for sexual favors. In 2015, he repeatedly pressured me for sexual favors.

On or about March 17, 2016: Mr. Boykin called me to his office and told me that he heard about everything that was going on in G.P.. He then wrote me a case for the K2 possession at Ex:A-002. He said that he thought it was the smart thing to do. I told him that I wanted to go to Safekeeping at Boyd. He said that he couldn't put me there but Mr. Hamilton could if I gave him some good information.

James Brown continued to abuse me physically and sexually. I was afraid to report my abuse because James Brown threatened to kill me if I snitched on him. I couldn't trust any of the officers because they were calling me a snitch and telling prisoners that they should drop me. James Brown and other prisoners began to watch me closely. They also began to watch the administration building to try to find out which prisoners were going in there to snitch.

On or about April 1, 2016: I sent Mr. Hamilton an I-60 (letter) via mail reporting my abuse and requesting his help. But he ignored my I-60 and my abuse continued. A copy of that I-60 was given to officer Haynes at Ex:B-033. Mr. Hamilton failed to: separate me from James Brown, investigate my abuse and collect evidence. Mr. Hamilton did not comply with TDCJ policy or the Prison Rape Elimination Act Prisons And Jail Standards (PREA) at Ex:A-003-10.

On April 7, 2016: I went to see Mental Health Ms. Shelton because I was thinking about reporting my abuse there. But I couldn't do it because I was afraid that James Brown would find out and kill me. It is common practice for TDCJ officials/officers to tell prisoners when a prisoner has reported sexual abuse and/or filed an Offender Protection Investigation (OPI) at Ex:B-007-12. I considered telling my mother about my abuse and letting her report it, but I didn't because I was afraid of how she might react. My mother is Catholic and at that she didn't know that I was homosexual at Ex:A-017.

Between April 7 and April 14, 2016: James Brown beat me and anal raped me twice.

On April 15, 2016: I went to see Mental Health Ms. Shelton again. But again I was afraid to snitch on James Brown. However, I did express my fears and told her that I didn't feel safe in G.P. and that I wanted to go to Safekeeping. She told me that I should tell administration. I told her that I had already told Mr. Boykin and Mr. Hamilton. She told me that I should just be patient and wait for Mr. Hamilton to respond to my I-60 at Ex: A-018.

On or about April 17, 2016: I sent Mr. Hamilton another I-60 via mail reporting my abuse and requesting his help. But again he ignored my I-60. A copy of that I-60 was given to Ms. Haynes at Ex: B-033. Again Mr. Hamilton did not comply with TDCJ policy or the PREA.

On April 24, 2016: James Brown attacked and assaulted me after officer Kersten told him that I snitched on him at Ex: A-020. James Brown went to lock up in the administration building and I went back to B-wing due to lock up being full. I was placed in cell B-101 under Pre Hearing Detention status (PHD). I immediately asked for a grievance but was told that I was getting a case for fighting, not a grievance. I then received a case for fighting at Ex: A-019. Later, I asked another officer for a grievance because I wanted to file a grievance while James Brown was in lock up, but the officer told me that I just got my ass kicked for snitching and needed to stop snitching. Prisoners then went to my cell and told me that the officers were calling me a snitch and saying that they weren't going to help me. James Brown told the officers that he assaulted me because I snitched on him but no OPI was initiated at Ex: B-005. Boyd officers did not comply with TDCJ policy.

On May 3, 2016: I was found Not Guilty of fighting with James Brown after evidence showed that he attacked and assaulted me for snitching on him at Ex: A-021. Despite that no OPI was initiated. Disciplinary Captain Howard told me that I was lucky that her son wrote a statement on my behalf at Ex: A-020. She said that the next time that I try to fight back I will get a case.

Ms. Howard then told me to get out of her office before she changed her mind. Ms. Howard did not comply with TDCJ policy. I was then returned to G.P. where I continued to be threatened and sexually harassed by James Brown and Tango (gang) members. I feared for my safety and life. Mr. Hamilton continued to ignore my I-60(s) so I had no choice but to stay in my cell as much as possible and wait for help at Ex: B-011.

On May 16, 2016: Mr. Boykin went to my cell and told me that my life was in danger and that I was about to be assaulted again. He and officer Rose searched my cell and found some alcohol that my cellmate was making in my locker. My cellmate was a Tango member. I received a case for the alcohol and then was escorted to the administration building at Ex: B-001, 5. Mr. Boykin took me to his office and told me that I needed to write an OPI statement for him, which I didn't want to do due to officers telling prisoners that I was a snitch. It is common practice for TDCJ officials / officers to tell prisoners when a prisoner has reported abuse and / or filed an OPI at Ex: B-007-12. But Mr. Boykin told me that if I didn't write a statement for him he was going to return me to G.P. and allow me to be assaulted again. So I wrote a statement for him as he instructed me to at Ex: B-003. I also requested a Unit Transfer to Safekeeping to remedy my problem. Mr. Boykin got mad because I requested protection and told me that "the OPI doesn't guarantee anything". I was then reassigned to the administration building PHD 06 cell under OPI Status Pending OPI Transfer at Ex: B-001.

Mr. Boykin's OPI contains false and misleading information. He claims that on April 24, 2016 James Brown and I were assigned to the same cell. James Brown and I have "never" been assigned to the same cell. He also falsely claims that on May 16, 2016 I was still a major distributor of K2. I had no K2 in my possession on that date at Ex: B-005.

On May 17, 2016: Mr. Boykin took me to his office where he told me that he found a weapon in my former cell. He told me that the weapon could be my ticket off the unit if I wrote a statement for him claiming ownership of it.

I told Mr. Boykin that I couldn't do that. He then said: quote: "Look, you are requesting a Unit Transfer to Safekeeping and TDCJ-SCC is denying a lot of those requests and getting people hurt"; "I don't want to be held liable if anything else happens to you"; "So you have to go one way or another"; "You might have to go to Seg". Mr. Boykin then falsely charged me with possession of a weapon and recommended that I be placed in Administrative Segregation at Ex: B-007, 13. Mr. Boykin then continued his OPI and informed prisoners that I had filed an OPI. At this time he was repeatedly told by prisoners that "everyone" knew that I was snitching. Despite that Mr. Boykin did not document in his OPI that he and Mr. Hamilton were using me as an informant at Ex: B-007-11. Word quickly spread that I had filed an OPI. I feared for my safety and life. Mr. Boykin did not comply with TDCJ policy.

On May 18, 2016: Major Benjamin unsubstantiated my OPI. He refused to acknowledge that James Brown assaulted me and that there was a threat of more violence against me. 99% of all OPI(s) filed in TDCJ are unsubstantiated. Mr. Benjamin did not comply with TDCJ policy at Ex: B-006.

I then asked Mr. Boykin to contact Mr. Hamilton and tell him that I still needed to speak with him. Mr. Boykin told me that he would send Mr. Hamilton my message via Email and that I better have some good info for him. On this day I had myself tested for HIV and Hep C because when James Brown anal raped me I bled a lot and I was worried about catching an STD at Ex: B-014-15. While at Medical I thought about reporting my abuse but when Ms. Isbell was drawing my blood she said: quote: "This one here is real girly"; "We can make a lot of money selling her all over the unit"; "If she doesn't have the booty flu". So I didn't report my abuse to her.

Around May 25, 2016: I sent Mr. Boykin an I-60 regarding the message that I asked him to send to Mr. Hamilton. Later he took me to his office where he told me that he sent Mr. Hamilton an Email and that he responded stating that he would speak with me soon. Mr. Boykin also said that he



sent Mr. Hamilton a second Email and that Mr. Hamilton responded thanking him for the reminder and said that he needed to speak with me but was very busy and would speak with me later. Mr. Boykin then gave me my I-60 back with a response that stated that he would send Mr. Hamilton another Email. I gave that I-60 to Ms. Haynes at Ex: B-033. Later Mr. Boykin told me to write Mr. Hamilton at Coffield Unit, which I did but Mr. Hamilton did not respond to my letter. Mr. Hamilton did not comply with TDCJ policy or the PREA.

On June 13, 2016: I was transferred to Telford Unit for Ad. Seg. placement. Due to my experiences at Boyd I was afraid to report my abuse at Telford. I tried to talk to Mental Health about it but I couldn't. I became severely depressed while at Telford at Ex: B-016-17. Mr. Hamilton continued to ignore my I-60(s), letter and the Emails sent to him by Mr. Boykin. So I filed several grievances (at least 3) but the UAI refused to process these grievances. She kept saying that she didn't get them even though I handed one of them directly to her at my cell door. She did not comply with TDCJ policy or the PREA.

On September 15, 2016: I reported all of this to TDCJ-SCC (State Classification Committee) but they just got mad at me and refused to do anything about it. SCC failed to properly document and report my sexual abuse. They did not comply with TDCJ policy or the PREA. I filed a Step 1 Grievance # 2017008169 appealing SCC's decision, but no OPI was conducted. Warden Facio didn't properly document and report my sexual abuse. He didn't comply with TDCJ policy or the PREA at Ex: B-018-19.

On September 19, 2016: I filed an I-60 to Telford's Mental Health Department informing them that I was going on a hunger strike in protest of all of this at Ex: B-020. Despite that they did not properly document and report my sexual abuse. They did not comply with TDCJ policy or the PREA, at Ex: A-003-10.

On September 22, 2016: Officer Clark went to my cell and threatened to shove a tray of food up my ass if I didn't end my hunger strike. I feared for my safety and life, and ended my hunger strike. I also stopped reporting my sexual abuse at Telford at Ex: B-020. Mr. Clark did not comply with TDCJ policy or the PREA.

On November 10, 2016: I was transferred to Eastham Unit. On the bus ride to Eastham gang members tried to cut and stab me. When I arrived at Eastham I was afraid to report my sexual abuse due to my experiences at Boyd and Telford.

On December 2, 2016: after I spoke with Eastham's Mental Health Manager Ms. Klock about my Transgender Status I sent her an I-60 reporting my sexual abuse and requesting medication for my depression. I also sent Classification a copy of this I-60. They did not respond to my I-60(s). They didn't properly document and report my sexual abuse. And they didn't comply with TDCJ policy or the PREA, at Ex: B-025.

On or about December 12, 2016: I filed a Step 1 Grievance on all of this because TDCJ was refusing to comply with the PREA. But the UGI refused to process this grievance. She claimed that she didn't get it. She didn't comply with TDCJ policy or the PREA.

On January 5, 2017: I filed another grievance. But again the UGI refused to process it. She claimed that she didn't receive it at Ex: B-026-28.

On January 21, 2017: I filed another grievance and I told the UGI that I was going to report her at Ex: B-029.

On January 26, 2017: Eastham's UGI processed my Step 1 Grievance #2017079154 which led to the first investigation into all of this at Ex: B-030-31.



On February 8, 2017, Eastham's Safe Prisons PREA officer Ms. Haynes initiated an OPI. She told me that TOCS-OIG wasn't going to investigate my sexual abuse due to the lapse in time. She was very angry and hostile toward me. She told me that I should've reported my abuse to Mr. Boykin at Boyd. Ms. Haynes and Mr. Boykin are old friends who used to work together at Eastham. I explained to Ms. Haynes that I didn't feel safe reporting my abuse to anyone at Boyd because officers there were telling prisoners that I was a snitch which caused me to be assaulted. I told her that's why I reported my abuse to Mr. Hamilton. I couldn't trust anyone at Boyd. Ms. Haynes asked me for a verbal account of my abuse and after I told her everything she blamed me for being raped. She said I was too passive. She also told me that I couldn't report that James Brown sexually abused me in 2015 because at that time he used threats and intimidation to force me to give him oral sex. She told me that was not sexual abuse because he didn't physically force me to do it. She told me that I could get into trouble for reporting that as sexual abuse. She also told me that I couldn't prove that I was sexually abused in 2016 and if I reported it I would get cases for lying. I no longer wanted to report my sexual abuse but Ms. Haynes told me that I had to write something for her. As I wrote a statement for her she yelled at me that she believed that James Brown was my boyfriend and that I willingly gave myself to him sexually. I told her that I had copies of I-60(s) that I sent to Mr. Hamilton reporting my abuse and pleading for his help. She told me that she wanted those I-60(s). I told her that I had other documents too but she said that she didn't need them because she could get all of the information that she needed from the TOCS computer. Most of what Ms. Haynes told me was false and misleading. And her threats were illegal. She didn't comply with TOCS policy or the PREA.

Ms. Haynes then escorted me to Medical for an examination. After Ms. Haynes spoke with L.V.N. Mr. Martin in his office he approached me angrily and asked me why I was just now reporting my abuse. I told him that I reported it several times in 2016. He asked me who I reported it to. And after I told him who, when and where I reported my abuse in 2016 he told me that there was nothing he could do for me. Ms. Haynes then told him that she just needed him to write something for her and she gave him a hand signal. He told her that he would write something for her but whatever he wrote for her is not in my Medical Records. Mr. Martin didn't conduct a medical examination on me. He didn't comply with TDCJ policy or the PREA.

Ms. Haynes then escorted me to Mental Health for an evaluation. When I walked into the office of Mental Health Manager Ms. Klock I asked her: quote: "did you get my I-60?" She responded: quote: "is that what this is about?" To that I nodded my head "yes" at her. She then said: quote: "ok, now we are going to test you." Quote: "it doesn't guarantee that you will get medication, but it will give us an idea of where you are at." She then asked me: quote: "do you want to talk about it?" To that I shook my head "no" at her because Ms. Haynes was standing near by and had already threatened to file cases on me if I reported my sexual abuse. I later discovered that Ms. Klock falsified documents in which she claimed that I never reported my sexual abuse to Mental Health before February 8, 2017 at Ex: B-032. She also falsified other documents in my Mental Health records and denied me proper / adequate Mental Health care. Ms. Klock did not comply with TDCJ policy or the PREA.

Later that day I received a visit from TDCJ-SCFO Attorney Andrew Gastler. When I left my cell for this visit I took the I-60(s) that Ms. Haynes wanted with me. And with Mr. Gastler as my witness I gave the I-60(s) to officer Villanueva for him to deliver them to Ms. Haynes at Ex: B-034.

On February 10, 2017: Ms. Haynes and Eastham's UCC (Unit Classification Committee X to include Warden Johnson) falsely claimed to have evidence that proved that my sexual abuse did not occur and my OPI was "unfounded" at Ex: B-033, A-015. Due to the threats from Ms. Haynes I didn't attend this UCC-OPI Review. So Ms. Haynes gave me a UCC Notification Of OPI Outcome. I tried to speak with her about the OPI Outcome but she told me that I had to stop reporting my sexual abuse or she would file cases on me "criminal and disciplinary". She also refused to give me my I-60(s) back at Ex: B-033. I asked Ms. Haynes to not write a case on me because I didn't want anyone else to know that I was sexually abused and snitched on my abuser. And I reminded her that I had been assaulted in the past after officers and prisoners labeled me a snitch. Ms. Haynes told me: quote: "if you don't stop reporting this I'm gonna file cases on you". Ms. Haynes and Warden Johnson did not comply with TOCS policy or the PREA.

On February 28, 2017: TOCS-OIG Mr. Gardner decided to open another investigation into my grievance. I told him that Ms. Haynes was threatening me but he said that he didn't care about what she said because he had a job to do. He then said that he needed to get a statement from me. Due to the threats from Ms. Haynes I reworded my sexual abuse of 2015 not wanting to call it sexual abuse. I then stopped and told Mr. Gardner that I didn't want to write a statement. But he said: quote: "no, if you want me to go after this guy I'm going after him". Quote: "but I need a statement from you". Mr. Gardner convinced me to finish my statement for him and to press charges on James Brown at Ex: B-035-36. He then asked me for James Brown's TOCS-CID number. I told him that I didn't have it memorized but I had it in my cell on a disciplinary case. He told me to go back to my cell and send it to him via I-60.

After I participated in Mr. Gardner's investigation Ms. Haynes made good on her threats and filed a false disciplinary case on me at Ex: B-037. The "Disciplinary Procedures Before The Hearing" began and a ranking officer went to my cell door and read the report aloud. This informed the

prisoners around me that I was sexually abused and snitched on my abuser. Prisoners began to laugh, sexually harass and threaten me. This placed my life in danger. At this time I was told that Ms. Haynes filed this case on me because I failed to prove that James Brown sexually abused me. That is not a legitimate reason for Ms. Haynes to charge me with falsely alleging sexual abuse. She only filed this case to get the word out that I was sexually abused and snitched on my abuser because she wanted to label me a snitch to induce prisoners to harass, threaten and harm me. Ms. Haynes did not comply with TDCJ policy or the PREA, at Ex: A-003-10, 14-15.

As Mr. Gardner instructed me to, I sent him an I-60 with James Brown's TDCJ-CID number. I also reported to him that Ms. Haynes had filed a disciplinary case on me at Ex: B-039. I reported it to him because I had nobody at unit level that I could turn to for help.

On or about March 1, 2017: a Counsel Substitute went to my cell door and again read Ms. Haynes's report aloud. And again the prisoners around me began to laugh, sexually harass and threaten me. At this time I was told that Ms. Haynes filed this case on me because she conducted a computer search for a prisoner in TDCJ by the name of James Brown and did not find one and therefore charged me with falsely alleging that James Brown sexually abused me at Ex: B-038. That too is not a legitimate reason for Ms. Haynes to charge me with falsely alleging sexual abuse.

TDCJ Safe Prisons PREA Plan page 28 (#4) states: The departure of the alleged assailant or victim from employment of custody of the TDCJ shall not be the basis for terminating an investigation.

TOCJ Safe Prisons PREA Plan page 31 (#8) states: A report of sexual abuse made in good faith based on a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. When the preponderance of evidence exists supporting a false allegation, the offender involved in the false allegation shall be disciplined in accordance with the TOCJ Disciplinary Rules and Procedures for Offenders.

TOCJ policy also required Ms. Haynes to review my previous OPI as part of her investigation / OPI and my only previous OPI clearly identified James Brown as the assailant in that OPI, at Ex:B-002, 5.

Furthermore, Nell Sylvia Gaither of Trans Pride Initiative accessed the TOCJ online "Offender Information Search" tool and searched the records for persons in TOCJ custody by the name of James Brown. The search returned "28" hits at Declaration of Nell Sylvia Gaither.

Ms. Haynes clearly retaliated against me for reporting my sexual abuse. She did not comply with TOCJ policy or the PREA.

On March 2, 2017: I was escorted to the Unit Safe Prisons PREA Manager officer Ms. Steel. She was quick to say that they weren't accusing me of lying. She said that they just couldn't find any prisoner in TOCJ's computer by the name of James Brown. I told Ms. Steel about everything that Ms. Haynes did to me and she got mad and blamed me for the misconduct of Ms. Haynes. Ms. Steel accused me of withholding information and documents from Ms. Haynes. Which was not true. Ms. Steel then gave me page 2 of the OPI and I wrote a new statement at Ex:B-040. Ms. Steel admits in her OPI that all of James Brown's information was in my previous OPI of May 16, 2016. They had all the information that they needed in "my" records at Ex:B-040 (cf.) at Ex:B-002, 5.



Ms. Steel's OPI contains false and misleading information. She claims that I filed my OPI of May 16, 2016 against James Brown (10) days after he departed the Boyd Unit. A proper review of that OPI clearly shows that the OPI was initiated because Boyd officials received threats against me after James Brown departed the unit. Those threats were from Tango (gang) members - not James Brown at Ex: B-001-11.

Ms. Steel's OPI also contains a statement from Mr. Boykin which also contains false and misleading information. Mr. Boykin claims that I was caught with K2 on 3-22-2016 and he was unable to test it and therefore charged me with possession of contraband (minor case) instead of possession of K2 (major case). The truth is I was caught with K2 on 2-23-2016 at Ex: A-001-2, it was tested, but I didn't get a case at that time because I agreed to be an informant for Mr. Boykin and Mr. Hamilton. But later they reneged on the deal and filed a disciplinary and criminal case on me at Ex: A-001-2. Mr. Boykin also claims that he provided all of his knowledge regarding me while I was assigned to Boyd. But he said "nothing" of the OPI that "he" conducted on me on May 16, 2016 and said "nothing" of the fact that he used me as an informant while I was at Boyd. If anyone withheld information from Ms. Haynes it was Mr. Boykin - not me, verbally I told Ms. Haynes "everything". And Mr. Boykin didn't withhold my previous OPI of May 16, 2016 from Ms. Haynes. He simply didn't go into it because Ms. Haynes already had that information in my records / TDCJ computer.

Ms. Steel knew that the case that Ms. Haynes filed on me was false and retaliatory but she did nothing to stop it. Instead she told me that she too was going to file a case on me. I asked her why and she said: quote: "you wanted our attention and now you're gonna get it". Ms. Steel did not comply with TDCJ policy or the PREA.



Ms. Steel then escorted me to Medical for an examination but again L.V.N. Mr. Martin told me that there was nothing he could do for me. Mr. Martin then falsified documents in which he claimed that Ms. Haynes didn't take me to Medical on February 8, 2017, and that there was no record of my sexual abuse taking place until February 8, 2017 at Ex: B-041, (Cf.) at Ex: B-018-20. Ms. Haynes did take me to Medical on February 8, 2017 as she was obligated to do so by TDCJ policy and the PREA at Ex: A-009. Mr. Martin lied and falsified documents during this OPI. He did not comply with TDCJ policy or the PREA.

On March 6, 2017: Ms. Steel's OPI was "unsubstantiated". Warden Johnson told me that there was no evidence to prove or disprove my allegations. This is the same Warden who on February 10, 2017 falsely claimed to have evidence that proved that my sexual abuse did not occur at Ex: B-033.

Ms. Steel then filed a false disciplinary report on me charging me with "engaging in consensual homosexual conduct by self admission on March 2, 2017 at Ex: B-042".

Mr. Herrington then went to my cell door and read Ms. Steel's report aloud. Which informed the prisoners around me that I participated in a TDCJ-OIG official investigation. Again the prisoners laughed, sexually harassed and threatened me. This placed my life in danger, at Ex: B-043, 48.

On March 16, 2017: Ms. Steel lied to my Counsel Substitute by telling her that on March 2, 2017 I admitted to having consensual sex with James Brown and that's why she initiated an OPI at Ex: B-044 (Cf.) at Ex: B-040.

I asked my Counsel Substitute to get my OPI statement of March 2, 2017 from Ms. Steel, but Ms. Steel gave her my statement of February 28, 2017 instead at Ex: B-035-36. Ms. Steel retaliated against me for reporting my sexual abuse and other PREA violations. She did not comply with TDCJ policy or the PREA.

Warden Johnson knew what Ms. Haynes and Ms. Steel were doing but did nothing to stop them. Instead he participated in their actions. He too falsely claimed that I withheld information from them and admitted to having consensual sex with James Brown at Ex: B-046.

Word quickly spread that I was sexually abused and snitched on my abuser. I was labeled a snitch and prisoners sexually harassed and threatened me. I tried to verbally complain to various ranking officers but they told me that I needed to stop complaining before I got myself hurt. I feared for my safety and life. I wanted to report Ms. Haynes and Ms. Steel for retaliating against me but they were threatening me and filing cases on me to label me a snitch and to induce prisoners to harass, threaten and harm me. The Wardens, ranking officers, Medical and Mental Health all knew what was going on but none of them would do anything to stop it because they said that I was making them look bad.

On March 19, 2017: I was told that I was going on Medical Chain to Estelle Unit Brace & Limbs on March 20, 2017. So I filled out a Step 2 Grievance at Ex: B-050-51. At Step 2 I stated that I was dissatisfied with the response at Step 1 because TDCJ did not fully comply with the PREA as I requested to resolve my Step 1 at Ex: B-031. Instead Ms. Haynes and Ms. Steel responded to my Step 1 by retaliating against me. They did not comply with TDCJ policy or the PREA.

On March 20, 2017: I dropped my Step 2 in the Grievance Box on my way out to Medical Chain, at Ex: B-050-51.

On March 22, 2017: I was returned to Eastham.

On March 24, 2017: I went to see Mental Health Ms. Klock. I told her that Ms. Haynes and Ms. Steel were retaliating against me and that I was depressed about everything that was happening to me. But she refused to do anything to stop it at Ex: B-052. She didn't comply with TDCJ policy or the PREA.

On March 24, 2017: Eastham's Disciplinary Captain began a disciplinary hearing on the case that Ms. Haynes filed on me. At this time Ms. Haynes admitted that she didn't speak with me on February 28, 2017 as she alleged in her report at Ex: B-031. And she claimed that she wrote the report because there was no James Brown in the TDCJ computer. She said "nothing" about me withholding information from her. She then claimed that there was an emergency at her home and hung up the phone on us. The hearing was recessed. I tried to tell the Captain that the case was false and retaliatory but he said that his officer's word was gold and mine wasn't worth shit. He then told me to keep my mouth shut or he would slam me on my head. He did not comply with TDCJ policy or the PREA.

On March 27, 2017: I was reassigned to Estelle (H.S.) unit. I was told that I was only there for therapy and that I would be returned to Eastham in a few weeks. I was also told that they knew all about my OPI(s).

On May 2, 2017: I was told that I was on commissary restriction but nobody would tell me why. So I filed a Step 1 at Ex: B-053-54, but still TDCJ would not tell me why I was on restriction. But I felt that Ms. Haynes and Ms. Steel were behind it.

On May 15, 2017: I wrote to Nell S. Gaither of Trans Pride Initiative and asked her to help me block my return to Eastham due to the retaliation and threats that I was experiencing there.

On June 12, 2017: Tyler Freeland of Trans Pride Initiative filed a complaint with the TDCJ Ombudsman on my behalf in which it was requested that I not be returned to Eastham due to the retaliation and threats that I was experiencing there at Ex: B-055-56.

On July 24, 2017: I discovered that I had been placed on commissary restriction due to the case that Ms. Steel filed on me. Eastham transferred the case to Estelle in April and Estelle's Disciplinary Captain Cook ran a hearing on it on April 18, 2017 without notifying me or giving me an opportunity to participate in it at Ex:B-048-45. Mr. Cook did not comply with TDCJ policy or the PREA. The law library sold me a copy of Ex:B-048, but refused to sell me anything related to the case that Ms. Haynes filed on me.

On August 10, 2017: State Classification Committee (TDCJ-SCC) Bonnie Fiveash told me that she was labeling me "sexually assaultive" and leaving me in Ad. Seg for a long time for reporting my sexually abusive experiences at Boyd at Ex:B-051-58.

On August 16, 2017: I wrote to Trans Pride Initiative and told them about everything that was going on (to include the fact that the law library was interfering with my legal research).

On September 2, 2017: Nell S. Gaither of Trans Pride Initiative filed another complaint with the TDCJ Ombudsman on my behalf at Ex:B-059-66.

On September 21, 2017: I received a letter from Safe Prisons PREA Program Manager Ms. Steinbecker informing me that TDCJ-OIG "unsubstantiated" my allegations of sexual abuse at Ex:B-067.

On October 23, 2017: I received a letter from the TDCJ Ombudsman Ms. Hosea in response to the letter of Nell S. Gaither at Ex:B-068-69. Ms. Hosea told me that all of my allegations had been previously reported and investigated and they would take no further action.

On May 17, 2018: Assistant Region Director Mr. Gross finally informed me that the case that Ms. Haynes filed on me was dismissed and they would take no further action, at Ex:B-070-73.

Conclusion

Congress enacted the Prison Rape Elimination Act Prisons And Jail Standards to protect prisoners from the type of actions and inactions that I have described herein. In response to the PREA' TDCJ established the Safe Prisons PREA Program to prevent, detect and respond to sexual abuse, sexual harassment, extortion and other acts of violence perpetrated against an offender/prisoner. However' TDCJ is not fully complying with its policy or the PREA. My constitutional and PREA rights have been violated.

Declaration

I declare under penalty of perjury that the foregoing is true and correct. The attached copies are true and correct copies. Executed at 264 FM 3478 Rd. Huntsville Tx 77320 on April 30, 2019.

*Juan Javier Ornelas*

Juan Javier Ornelas

Certificate Of Service

I hereby certify that a copy of this Memorandum has been served by regular mail upon the attorney for Defendant at: Ken Paxton Attorney General Of Texas P.O. Box 12548 Austin Tx. 78711-2548 on April 30, 2019.

*Juan Javier Ornelas*

Juan Javier Ornelas

TDCJ-CID # 01758617

Estelle (M.S.) Unit

264 FM 3478 Rd.

Huntsville Tx. 77320





STATE OF TEXAS

v.

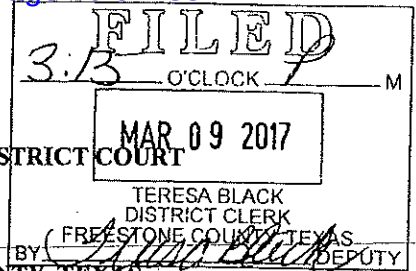
JUAN J. ORNELAS

STATE ID NO.: TX04787572

CASE NO. 16-165CR  
INCIDENT NO./TRN: 924-271-0539

§  
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§

77TH JUDICIAL DISTRICT COURT  
OF  
FREESTONE COUNTY, TEXAS



## JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. Patrick H. Simmons	Date Judgment Entered:	March 9, 2017
Attorney for State:	Cindy Maria Garner, Special Prosecution Unit	Attorney for Defendant:	Andrew Gastler, State Counsel for Offenders

Offense for which Defendant Convicted:

Prohibited Substance in a Correctional Facility (Synthetic Marijuana—XLR-11)

Charging Instrument:

INDICTMENT

Statute for Offense:

38.11 Texas Penal Code

Date of Offense:

February 25, 2016

Degree of Offense:

Third Degree Felony (Enhanced to Habitual Status)

Plea to Offense:

GUILTY

Findings on Deadly Weapon:

N/A

Terms of Plea Bargain: In exchange for Defendant's plea of guilty to the offense set forth above, Defendant will be sentenced to the Texas Department of Criminal Justice—Institutional Division for a term of four (4) years. Defendant shall receive credit on such sentence from the date of Indictment to the date of Judgment. The sentence shall run concurrently with Cause No. 16-166CR, State vs. Juan J. Ornelas, in the 77<sup>th</sup> Judicial District Court of Freestone County, Texas wherein the Defendant is convicted of the offense of Prohibited Substance in a Correctional Facility (Synthetic Marijuana—fluoro—ADB). The sentence shall run consecutively as provided below.

Plea to 1 <sup>st</sup> Enhancement Paragraph:	True	Plea to 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	WAIVED BY STATE
Findings on 1 <sup>st</sup> Enhancement Paragraph:	True	Findings on 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	WAIVED BY STATE

Date Sentence Imposed:	See Date of Judgment	Date Sentence to Commence:	See Date of Judgment
------------------------	----------------------	----------------------------	----------------------

Punishment and Place of Confinement: Four (4) years Texas Department of Criminal Justice—Institutional Division

This Sentence shall run CONSECUTIVELY TO THE SENTENCE ASSESSED IN CAUSE NO. A11372, STATE OF TEXAS VS. JUAN J. ORNELAS, IN THE 216<sup>th</sup> JUDICIAL DISTRICT COURT OF KERR COUNTY, TEXAS WHEREIN THE DEFENDANT WAS CONVICTED OF THE OFFENSE OF DEADLY CONDUCT.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A.

<u>Fine:</u>	<u>Court Costs:</u>	<u>Attorney's Fees:</u>	<u>Restitution Payable to:</u>
\$ N/A	\$ _____	\$ 0.0 _____	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From 11/30/2016 to Date of Judgment	From _____ to _____	From _____ to _____
----------------	-------------------------------------	---------------------	---------------------

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Freestone County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

XX Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

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Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

**Punishment Options (select one)**

**XX Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Office of the District Clerk of Freestone County, Texas. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Office of the District Clerk of Freestone County, Texas. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

**Execution / Suspension of Sentence (select one)**

**XX** The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference. The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

**Furthermore, the following special findings or orders apply:** None

Signed and entered on March 9, 2017.

  
PATRICK H. SIMMONS,  
JUDGE PRESIDING

Clerk: Office of the District Clerk  
Freestone County, Texas

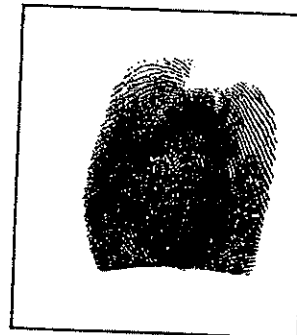
STATE OF TEXAS  
COUNTY OF FREESTONE  
I, Teresa Black, District Clerk of Freestone County, Texas do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, filed on:

3-9-17  
as appears of record in my office, this

25th day of April 20 17  
Teresa Black, DISTRICT CLERK  
FREESTONE COUNTY, TEXAS

*Trusti Rose*

Right Thumbprint



CASE: 20160209164 TDCJNO: 01750417 NAME: ORNELAS, JUAN JAVIER EA: 10.3  
 UNIT: BY HSNB: B2 13 T. JOB: FIELD SQ 02 IQ: 096  
 CLSS: L3 CUST: 04 PRIMARY LANGUAGE: ENGLISH LMHA RESTRICTIONS: NONE  
 GRDE: MA / KB OFF. DATE: 02/23/16 11:00 AM LOCATION: BY MISCELLANEOUS  
 TYPE: ID

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT BY B217, OFFENDER: ORNELAS, JUAN JAVIER, TDCJ-ID NO. 01750417, DID POSSESS CONTRABAND, NAMELY, 18 LATEX GLOVE FINGER TIPS THAT CONTAINED A GREEN LEAFY SUBSTANCE.

CHARGING OFFICER: BOYKIN, B. SGT.

SHIFT/CARD: 1 H

OFFENDER NOTIFICATION (IF APPLICABLE INTERPRETER,  
 TIME/DATE NOTIFIED: 830 / 03-17-16 BY: (PRINT) *W. A. B. N. E. L. 052*

YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: *[Signature]* DATE: 03-17-16

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: *[Signature]* DATE: \_\_\_\_\_

## HEARING INFORMATION

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ UNIT: \_\_\_\_\_ FOLDER: \_\_\_\_\_ FILE: \_\_\_\_\_ DSFILE: \_\_\_\_\_

COUNSEL SUBSTITUTE AT HEARING: \_\_\_\_\_ FOLDER: \_\_\_\_\_ FILE: \_\_\_\_\_ DSFILE: \_\_\_\_\_

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED: (SIGNATURE) \_\_\_\_\_

OFFENDER STATEMENT: \_\_\_\_\_

OFFENSE CODES: 16.0

OFFENDER PLEA: (G, NG, NONE) \_\_\_\_\_

FINDINGS: (G, NG, DS) \_\_\_\_\_

REDUCED TO MINOR (PRIOR TO DOCKET) \_\_\_\_\_ (DOCKET) \_\_\_\_\_ (HEARING) \_\_\_\_\_ BY: (INITIAL) \_\_\_\_\_

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER. EXPLAIN IN DETAIL: \_\_\_\_\_

## PUNISHMENT

LOSS OF PRIV (DAYS) \_\_\_\_\_ REPRIMAND: \_\_\_\_\_ SOLITARY (DAYS) \_\_\_\_\_

\* RECREATION (DAYS) \_\_\_\_\_ EXTRA DUTY (HOURS) \_\_\_\_\_ REMAIN LINE 3: \_\_\_\_\_

\* COMMISSARY (DAYS) \_\_\_\_\_ CONT. VISIT SUSP. THRU / / REDUC. CLASS FROM \_\_\_\_\_ TO \_\_\_\_\_

\* PROPERTY (DAYS) \_\_\_\_\_ CELL RESTR (DAYS) \_\_\_\_\_ GOOD TIME LOST (DAYS) \_\_\_\_\_

\* OTS (DAYS) \_\_\_\_\_ SPECIAL CELL RESTR (DAYS) \_\_\_\_\_ DAMAGES/FORFEIT. \$ \_\_\_\_\_

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: \_\_\_\_\_

CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) \_\_\_\_\_ NO / NA

DATE PLACED IN PRE-HEARING DETENTION: \_\_\_\_\_ HEARING LENGTH: \_\_\_\_\_ (MINUTES)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: \_\_\_\_\_

HEARING OFFICER (PRINT) WARDEN REVIEWER SIGNATURE

(FORM I-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

(REV. 04-10) COMUNIQUESE CON SU CONSEJERO SUBSTITUTO SI NO ENTIENDE ESTA FORMA

EX: A-002

reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18.

#### IV. Reporting Allegations

An OPI may be requested by anyone who has information that an offender may be in need of protection. This information can come from the offender in need of protection, other offenders, the offender's family, TDCJ staff, or others. An OPI shall be conducted in accordance with the procedures outlined in the SPPOM.

##### A. Offender Reporting of Allegations

1. Offenders shall be provided multiple internal methods to privately report sexual abuse, sexual harassment, and other acts of aggression including, but not limited to, extortion and violence.
  - a. Offenders may report retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to the incidents.
  - b. Offenders may report allegations directly to the major, the Office of Inspector General (OIG), or the PREA ombudsman. Reports to the PREA ombudsman may be made confidentially and in accordance with ED-02.10, "Prison Rape Elimination Act Complaints and Inquiries."
2. Appropriate steps shall be taken to ensure offenders with disabilities, including offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities, have an equal opportunity to participate in or benefit from all aspects of TDCJ efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Staff shall provide access to qualified interpreters, when necessary, to ensure effective communication with offenders who are deaf or hard of hearing. Written materials shall be provided in accordance with TDCJ policies and procedures, to ensure effective communication with offenders with disabilities, limited reading skills, or who are blind or have low vision.
3. Offenders with limited English proficiency shall be provided meaningful access to information regarding TDCJ efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

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- a. When seeking interpreters, staff shall not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties described within this plan, or the investigation of the offender's allegations.
  - b. Staff shall follow appropriate TDCJ policies and procedures for obtaining a qualified interpreter.
4. Staff shall accept reports made verbally, in writing, anonymously, and from third parties, and shall promptly document any verbal reports.
5. Third parties, including fellow offenders, staff members, family members, attorneys, and advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to an allegation of sexual abuse, and shall also be permitted to file these requests on behalf of offenders.
  - a. If a third party files a request on behalf of an offender, the unit may require, as a condition of processing the request, the alleged victim to agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process in accordance with the *TDCJ Offender Grievance Operations Manual*.
  - b. If the offender declines to have the request processed on his or her behalf, the decision shall be documented in accordance with the *TDCJ Offender Grievance Operations Manual*.
6. A time limit shall not be imposed on when an offender may submit a grievance regarding an allegation of sexual abuse.
  - a. Time limits to any portion of a grievance that does not allege an incident of sexual abuse shall be managed in accordance with the *TDCJ Offender Grievance Operations Manual*.
  - b. Offenders shall not be required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

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7. In accordance with the TDCJ *Offender Grievance Operations Manual*:
  - a. An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
  - b. A grievance of this nature shall not be referred to a staff member who is the subject of the complaint.
8. A final decision shall be made on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
  - a. Computation of the 90-day time period shall not include time used by offenders for preparing an administrative appeal.
  - b. If the 90-day time period is insufficient to make an appropriate decision, an extension of up to 70 days may be granted. The offender shall be notified in writing of the extension and a date by which the decision will be made.
9. An emergency grievance alleging substantial risk of imminent sexual abuse shall be filed and managed in accordance with the TDCJ *Offender Grievance Operations Manual*.
10. When an emergency grievance is received, any portion that alleges the substantial risk of imminent sexual abuse shall be forwarded to a level of review for immediate corrective action. An initial response shall be provided within 48 hours of receipt, and a final decision rendered within five calendar days. The initial response and final decision shall document whether the offender is in substantial risk of imminent sexual abuse and the action taken. Information related to this item may be found in the TDCJ *Offender Grievance Operations Manual*.
11. An offender may be disciplined for filing a grievance related to alleged sexual abuse only when the investigation determines the offender filed the grievance in bad faith.
12. At any level of the grievance process, including the final level, if the offender does not receive a response within the allotted time, including any properly noticed extension, the offender may consider the absence of a response to be a denial at that level. A response shall be provided to the offender in accordance with the TDCJ *Offender Grievance Operations Manual*.
13. Staff shall not reveal any information related to a sexual abuse report to anyone other than designated supervisors or officials, and only to the

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extent necessary to make informed treatment, investigative, security, and management decisions.

14. An offender may report allegations verbally or in writing to any staff member pursuant to all standards defined in Section IV of this plan.

B. Staff and Third-Party Reporting of Allegations

1. All staff members shall immediately report, according to TDCJ policy, any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred on a unit, whether or not it is a TDCJ facility; retaliation against offenders or staff who reported an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. A method shall be provided for staff to privately report sexual abuse and sexual harassment of offenders. Staff shall accept reports made verbally; in writing, including by letter, Inmate Request to Official (I-60), sick call form, or a grievance submitted through the grievance process; anonymously; and from third parties. All verbal reports shall be promptly documented.
3. Family members or other individuals may report verbally or in writing to unit administration, the TDCJ Ombudsman office, OIG, or PREA ombudsman office any time they have knowledge of or suspect an offender has been sexually abused, sexually harassed, or requires protection.
4. Unless otherwise precluded by federal, state, or local law, and at the initiation of services, medical and mental health practitioners shall be required to report sexual abuse pursuant to Section IV.B.1 of this plan, and to inform offenders of the practitioner's duty to report, as well as the limitations of confidentiality.
5. Suspected or reported staff-on-offender sexual abuse, staff neglect, or violation of responsibilities shall be reported in accordance with the guidelines in PD-29, "Sexual Misconduct with Offenders."

C. Protection from Retaliation

1. Offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other offenders or staff. The USPPM shall monitor for incidents of retaliation in accordance with the SPPOM.

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2. As appropriate, multiple protective measures may be taken, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offender or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse, the USPPM shall monitor and document the conduct and treatment of offenders or staff who reported the sexual abuse, and of offenders who were reported to have been victims of sexual abuse, for changes that may indicate possible retaliation by offenders or staff, and shall act promptly to address any retaliation.
4. Monitoring shall include a review of offender disciplinary reports and housing or program changes; and negative performance reviews and reassignments of staff. The monitoring shall continue beyond 90 days if circumstances dictate the need.
5. The monitoring shall also include periodic status checks of offenders.
6. The USPPM on the facility where the incident was originally reported shall coordinate continued monitoring with the receiving USPPM in the event the offender is transferred.
7. If any other individual who cooperates with an investigation expresses a fear of retaliation, the TDCJ shall take appropriate measures to protect that individual against retaliation.
8. If the TDCJ investigation determines the allegation to be unfounded, the monitoring shall be discontinued.

D. Reporting to Other Confinement Facilities

1. After receiving an allegation that an offender was sexually abused while confined at another facility, such as a county jail or out of state facility, the individual taking the initial report shall immediately notify the USPPM. The USPPM shall provide the SPPMO with the details of the alleged incident so the SPPMO may initiate notification to the appropriate office of the outside agency where the alleged abuse occurred.
  - a. The SPPMO shall provide the notification to the appropriate agency as soon as possible, but no later than 72 hours after receiving the allegation.
  - b. The SPPMO shall document the notification.

2. Any TDCJ warden or departmental office receiving notification from an outside agency that an offender in the outside agency's custody alleged sexual abuse while assigned to TDCJ custody shall ensure the allegation is forwarded to the PREA ombudsman in accordance with ED-02.10, "Prison Rape Elimination Act Complaints and Inquiries," for possible investigation.

## V. Investigations

### A. General Considerations

1. All allegations of sexual abuse shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
2. The protocol shall be developmentally appropriate for youth, where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice Office on Violence against Women publication, "*A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents*," or similarly comprehensive and authoritative protocols developed after 2011.
3. Investigations of sexual abuse and sexual harassment shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
4. Investigations involving allegations of sexual abuse shall be conducted by investigators who have received special training in sexual abuse investigations pursuant to this plan.

### B. Response to Reports of Sexual Abuse

1. After learning of an allegation that an offender was sexually abused, the first correctional officers responding to the report shall:
  - a. Notify a security supervisor;
  - b. Separate the alleged victim and assailant;
  - c. Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect any evidence;
  - d. Monitor the alleged victim and assailant to ensure physical evidence is not destroyed, including washing, brushing teeth, changing clothes, urinating, defecating, or eating, if the abuse

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occurred within a time period that still allows for the collection of physical evidence.

- e. Refer the alleged victim and assailant to medical and mental health services for examination and evaluation. If medical and mental health staff are not available at the time the allegation is made, staff first responders shall take preliminary steps to protect the victim and shall notify on-call medical or mental health staff. The nature and scope of treatment shall be determined by medical and mental health practitioners in accordance with CMHC policies and Section II.G of this plan.
  - f. As appropriate, the services of a victim advocate or an OVR shall be made available in accordance with this plan.
  - g. Additional information regarding coordinated response procedures may be found in the SPPOM.
2. If the first staff responder is not a correctional officer, the responder shall monitor the alleged victim to ensure physical evidence is not destroyed, and shall immediately notify a correctional officer.
  3. Any use of protective custody to protect an offender who is an alleged sexual assault victim shall be subject to the requirements of Section III.C.3-7 of this plan.
  4. An administrative and criminal investigation, as appropriate, shall be completed for all allegations of sexual abuse and sexual harassment.

C. Offender Notification by Type of Investigation

1. Allegations of sexual abuse and sexual harassment shall be referred to the OIG for investigation. These referrals shall be documented on the appropriate investigative forms contained within AD-02.15, "Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents," for staff-on-offender allegations and the SPPOM for offender-on-offender allegations.
2. Sexual abuse response and notification procedures contained within this plan and the SPPOM shall be followed to coordinate actions taken in response to an incident of sexual abuse.
3. Offenders shall be notified of relevant information regarding criminal investigations, in accordance with the SPPOM.

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4. If an offender is determined to have been a victim of staff-on-offender sexual abuse, the warden shall inform the offender when:
  - a. The staff member is no longer assigned to the offender's unit; or
  - b. The staff member is no longer employed by the TDCJ.
5. If an offender is determined to have been a victim of staff-on-offender sexual abuse and the abuse is determined criminal, the SPPMO shall inform the offender when:
  - a. The staff member has been indicted on a charge related to sexual abuse within the unit; or
  - b. The staff member has been convicted on a charge related to sexual abuse within the unit.
6. If an offender alleges to have been a victim of offender-on-offender sexual abuse, the SPPMO will subsequently inform the alleged victim when:
  - a. The alleged assailant has been indicted on a charge related to sexual abuse within the unit; or
  - b. The alleged assailant has been convicted on a charge related to sexual abuse within the unit.
7. The TDCJ SPPM shall ensure the relevant criminal information is received from the OIG in order to inform the offender.
8. All offender notifications or attempted notifications described in items 4-6 of this section shall be documented.
9. The requirement to provide offender notification shall terminate if the offender is released from the custody of the TDCJ.

D. Investigators and Investigation Criteria

1. Sexual abuse and sexual harassment investigations alleged against staff shall only be conducted by a staff member with the rank of captain or above. Unit administrators shall ensure the investigating staff member is at least one rank above the accused staff member. If the OIG conducts administrative investigations against staff, the investigation shall be performed in accordance with OIG policies and procedures.

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<u>VIDEO</u>	<u>AUDIO</u>
<p>Cam follows as they walk past &amp; away.</p>	<p>from other violent offenders or gangs. Sometimes this threat of violence can be real, but sometimes, it is created by predators just so they can manipulate you. The protection they offer comes with a price, and the predator will be looking for payment eventually.</p>
<p><b>10</b></p> <ol style="list-style-type: none"> <li>1. Cut to MS OPE screen left</li> <li>2. Dis in CG screen right: <b>Avoid talking about sex and nudity!</b></li> <li>3. Take out CG</li> <li>4. Dis in CG screen right: <b>Don't accept commissary items or gifts!</b></li> <li>5. Take out CG</li> <li>6. Dis in CG screen right: <b>Don't use contraband substances!</b></li> <li>7. Take out CG</li> <li>8. Dis in CG screen right: <b>Avoid secluded areas!</b></li> <li>9. Take out CG</li> <li>10. Dis in CG screen right: <b>Trust your instincts!</b></li> </ol>	<p><u>OFFENDER PEER EDUCATOR:</u></p> <p>Avoid talking about sex and nudity. These things may be considered a come-on and make another offender think you're interested in a relationship.</p> <p>Don't accept commissary items or gifts. This puts you in their debt, and you will be expected to repay.</p> <p>Don't use contraband substances such as drugs or alcohol; these can weaken your ability to stay alert and make good judgments.</p> <p>Avoid secluded areas such as behind furniture or in corners. Try to stay in well lit, public areas of the facility. Position yourself so you can be easily seen by unit staff.</p> <p>Trust your instincts. If you sense a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to staff.</p>

09/05/13

Ex:A-011

<u>VIDEO</u>	<u>AUDIO</u>
<p>11. Cut to MCU OPE</p> <p>12. Dis to classroom, church service, etc.</p> <p>13. Fade to black</p>	<p>Finally, choose the company you keep wisely.</p> <p>Look for people who are involved in positive activities like educational programs, religious services or other structured unit activities. Get involved with these activities yourself and develop relationships with others who are trying to make positive changes in their life.</p>
<p><b>11</b></p> <p>1. Fade up to Charma Blount: CG Charma Blount, Sexual Abuse Nurse Examiner (SANE)</p> <p>2. Dis to WS offender in cell, seated on floor, back against wall, head in hands</p> <p>3. Offender looks up, cam pans across to bed &amp; continues slow pan around cell</p> <p>4. Dis to running shower head</p> <p>5. Cut to CU hand holding toothbrush near faucet</p>	<p><u>CHARMA BLOUNT - SEXUAL ABUSE NURSE PRACTITIONER (SANE):</u></p> <p>If you're the victim of sexual abuse, harassment or assault, you may find it difficult to report your victimization for fear of retaliation,</p> <p>but it is TDCJ policy to act in your best interest and protect you from any additional harm.</p> <p>It's also important to remember that evidence can only be gathered during the first 96 hours after the incident, so it's critical that you notify agency staff as soon as possible and do your best not to disturb the evidence.</p> <p>Don't wash your clothes or your bedding.</p> <p>Don't move anything in your cell or from the location of the assault.</p> <p>Don't take a shower, wipe your body clean, or wash your hands.</p> <p>Don't brush your teeth, rinse your mouth, use the</p>

09/05/13

Ex: A-012



<u>VIDEO</u>	<u>AUDIO</u>
<p>4. Dis in BLOUNT over Shot 2 action</p> <p>5. Dis to offender &amp; CO walking into infirmary</p> <p>6. Dis to MS nurse examining offender</p> <p>7. Nurse w/camera enters &amp; takes pictures</p> <p>8. Cut to investigator enters room</p> <p>9. Cut to nurse looking at investigator</p> <p>10. Cut to investigator nodding</p> <p>11. Cut to nurse opening cabinet &amp; pulling out kit - show kit</p> <p>12. Dis to MS BLOUNT</p>	<p>Try to make mental notes about the time, location and specific details of the event. Conversations and activities leading up to the assault may be critically important to the investigation.</p> <p>You will be escorted to the unit infirmary to receive a medical exam and treatment for any injuries or to prepare you for transfer to an outside medical facility.</p> <p>During the medical exam, you will be checked for injuries in the areas you were abused. Remember, not all injuries can be seen on the outside of your body.</p> <p>Photographs will be taken of any injuries you received.</p> <p>An investigator with the Office of the Inspector General's office</p> <p>will be informed of the situation and</p> <p>will determine</p> <p>if a Sexual Assault Evidence Collection Kit should be utilized.</p> <p>You will also have the option to speak with a mental health professional and a representative trained to counsel victims of sexual assault. Depending on the nature of the situation, you may be placed in another housing location on the unit while the investigation is being completed.</p>
<b>14</b>	

09/05/13

Ex: A-013

14.

<u>VIDEO</u>	<u>AUDIO</u>
<p>1. Cut to Cary Burnett, Peer Education Coordinator</p> <p>2. Push in CG: <b>State Classification Committee; TDCJ Classification and Records Department; CID Regional Director's Office; Agency Safe Prisons PREA Compliance Management Office</b></p> <p>3. Push in photo of unit classification committee</p> <p>4. Push in photo of courtroom</p>	<p><u>CARY BURNETT:</u></p> <p>Depending on the nature and severity of the circumstances surrounding the investigation, there could be a number of people involved with your case.</p> <p>Others who may assist in the investigation include members of the State Classification Committee, the TDCJ Classification and Records Department, members of the CID Regional Director's Office, the Agency Safe Prisons PREA Compliance Management Office or other agency staff.</p> <p>Once the investigation is complete, you will appear before a Unit Classification Committee, which may include a warden, a major, a representative from Classification or a ranking security supervisor.</p> <p>Depending on the outcome of the OIG investigation, and if criminal charges are pressed, you may need to testify in court.</p>
<p><b>15</b></p> <p>1. Push in CG title: <b>Offender Protection Investigation (OPI) outcomes</b></p> <p>2. Cut in CG: <b>Substantiated - enough evidence to determine the events occurred</b></p> <p>3. Cut in CG: <b>Unsubstantiated - not sufficient evidence to prove</b></p>	<p><u>BURNETT:</u></p> <p>The results of an Offender Protection Investigation, or OPI, may have three different outcomes:</p> <p>A <b>substantiated</b> OPI means that there was enough evidence to determine that the events occurred;</p> <p>An <b>unsubstantiated</b> OPI means there was not sufficient evidence to prove the alleged events either</p>

09/05/13

EX: A-014

<u>VIDEO</u>	<u>AUDIO</u>
<p>4. Cut in CG: <b>Unfounded - alleged events did not happen</b></p> <p>5. Cut to MS BURNETT</p> <p>6. Cut to CU BURNETT</p> <p>7. Host slides to screen left, CG screen right: <b>housing change; job change; unit transfer; safekeeping; protective custody; no action taken</b></p> <p>Fade out</p>	<p>did or did not occur;</p> <p>And an <b>unfounded</b> OPI means the evidence presented proves that the alleged events did not occur.</p> <p>Once an OPI investigation is complete, there are a number of different actions the unit or State Classification Committee might take. Their recommendation depends on the outcome of the investigation and is intended to work in the best interest of the victim and TDCJ.</p> <p>You will be notified of the outcome of the OPI investigation during the Unit Classification Committee hearing.</p> <p>If you are unable to attend, you will receive a written notice of the outcome. Furthermore, if the Office of Inspector General pursues criminal charges against your assailant, you will be notified of that outcome as well.</p> <p>Recommendations might include a housing change, job change, unit transfer, safekeeping or protective custody, or they may recommend no action at all.</p>
<p><b>16</b></p> <p>1. Fade up to MCU SHARP</p>	<p><u>LYNNE SHARP:</u></p> <p>Those who sexually abuse others while in the custody of TDCJ will be disciplined and prosecuted</p>

<u>VIDEO</u>	<u>AUDIO</u>
<p><b>17</b></p> <p>1. Cut to MS SHARP screen left, CG screen right: <b>TDCJ has a ZERO-TOLERANCE policy!</b></p> <p>2. Change CG: <b>You have a legal right to be free from sexual abuse, sexual harassment, and retaliation for reporting such abuse or harassment.</b></p> <p>3. Cut to MCU SHARP</p> <p>4. Dis to peer counseling session shots</p>	<p>to the full extent of the law. If you are an inmate assailant, you will be monitored by the Safe Prisons/PREA Compliance Management Office and security staff, and you will be referred to Mental Health for a risk assessment, treatment and special management needs. If you feel you need help to stop sexually abusive behaviors, psychological services and programs are available.</p> <p><u>LYNNE SHARP:</u></p> <p>You should always remember that the Texas Department of Criminal Justice has a zero-tolerance policy regarding sexual abuse and sexual harassment, and</p> <p>you have a legal right to be free from sexual abuse, sexual harassment and retaliation for reporting such abuse or harassment.</p> <p>Accusations of sexual abuse are very serious in nature, and each allegation is treated as being unique, and with the highest level of professionalism.</p> <p>Because substantiated allegations result in a severe, negative impact on the predator, false allegations will be taken just as seriously, and when discovered, will result in disciplinary action.</p> <p>If you are interested in learning more about sexual abuse in the prison environment, most TDCJ units</p>

09/05/13

EX: A-016

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 04/07/2016 09:27 **Facility:** BOYD (BY)  
He did gain weight in 2015 because he stated he was a cook and ate a lot of the food; however, his weight has been a steady size for over a year. His depression claim is related to the fact that he is bisexual and is contemplating telling his mother. He also is a graduate inmate and he finds that it is an effort to keep from his old ways when other inmates "tease me about being homosexual". Offender's stated that his greatest fear was letting his mother down for his homosexual acts, but states that he wants to tell her. MHC invited offender to think about how he would tell his mother over the weekend and come back on Tuesday and process his thoughts. He denied having any suicidal ideations or hallucinations. Continue see as scheduled.

O: Mental Status Exam (may use decision tree)

Level of Consciousness: Alert  
Oriented X 4  
Appearance: Neat and clean, Normal TDCJ attire  
Behavior: Calm and cooperative  
Motor Functioning: No psychomotor agitation  
Speech: Normal rate and volume  
Mood: Euthymic  
Affect: Appropriate to mood  
Thought process: Logical and goal directed  
Thought content: No delusions/hallucinations; appropriate to conversation  
Judgment: Good  
Insight: Good  
Memory: Appears in tact  
SI/Hi: Both denied

A: Diagnostic Impression: MHNCMHN

P:

- ☐ No further intervention indicated at this time. Access to care procedure explained to Offender.  
☐ Refer offender to \_\_\_\_\_ or consultation with other treatment staff.  
☐ Transfer offender to:  
☐ Crisis management/inpatient care, DDP, PAMIO or other mental health facility or program  
☐ Outpatient mental health observation  
☐ Schedule for MHE  
☒ Continue to be seen as scheduled  
☐ Reschedule x

Procedures Ordered:

Date Time	Description	Diagnosis	Comments	Special Instructions
4/7/2016 09:35AM	MH OP SICK CALL/REFERRAL TRIAGE (F)	no current mental health needs		

Electronically Signed by SHELTON, VERONICA MA, MHC on 04/07/2016.  
##And No Others##

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**MENTAL HEALTH STATUS CHECK/CASEMANAGEMENT**

Patient Name: ORNELAS, JUAN J

TDCJ#: 1758617

Date: 04/15/2016 10:05

Facility: BOYD (BY)

Age: 33 Race: H Sex: male

Patient Language: ENGLISH	Name of interpreter, if required:
---------------------------	-----------------------------------

**Most recent vitals from 4/7/2016:** BP: 120 / 61 (Sitting) ; Wt: 203 Lbs.; Height: 70.5 In.; Pulse: 76 (Sitting) ; Resp: 16 / min; Temp: 97.2 (Oral) BMI: 29

**Allergies:** NO KNOWN ALLERGIES**Current Medications:****IBUPROFEN 600MG TABLET**

1 TABS ORAL TWICE DAILY for 30

Days KOP

TAKE WITH FOOD

ORDERING FACILITY: BOYD (BY)

ORDERING PROVIDER: WILLIAMS, CARL R

LAST DATE GIVEN KOP: 03/29/2016 08:28:02AM

REFILLS: 0 / 2

EXPIRATION DATE: 6/22/2016 12:10:00PM

**Seen this date at (time):** 0810

**S:** Offender seen to check mental status. Offender reported: that he is continuing to adjust. Offender is a recent arrival at the unit of which he had completed the grad program. Offender continues to make strides in leaving his past hostile acts behind and maintain a calm attitude. He also continues to struggle in his personal life and sexual preferences while keeping his mother in the "dark" about his preferences. Offender was able to express fears and wants in a safe environment. Offender also understands ATC should he find himself in conflicting situations that may cause him to go against making good decisions. He denied having any SI/HI/AH/VH. See as requested.

**O:** Mental Status/Behavioral Observation (can use decision tree)

Level of Consciousness: Alert

Oriented X 4

Appearance: Neat and clean, Normal TDCJ attire

Behavior: Calm and cooperative

Motor Functioning: No psychomotor agitation

Speech: Normal rate and volume

Mood: Euthymic

Affect: Appropriate to mood

Thought process: Logical and goal directed

Thought content: No delusions/hallucinations; appropriate to conversation

Judgment: Good

Insight: Good

Memory: Appears in tact

SI/HI: Both denied

**A:** MHNCMHN

**P:**   x   Follow up:   as requested    
           Refer to:                           

Procedures Ordered:



(1)

Texas Department of Criminal Justice  
INSTITUTIONAL DIVISION

Inter - Office Communications

DISCIPLINARY HEARING OFFICER

Date: 04-27-16

From: Alamirez

CS 2 Subject: WITNESS STATEMENT

TIME: 1530m

CASE# 20160253174

OFFICER: Flournoy, J

RANK: COTI SHIFT/CARD ASSGN: 2/7

INMATE/OFFENDER:

TDCJ# HOUSING ASSIGN:

STATEMENT OF FACTS BY WITNESS:

Brown was talking with Kersten it was during a search. I could tell Brown was upset. He went to B-wing and hit Ornelas in the face. I grabbed my radiotocall ICS. From there I did not get to see everything that happened. Other people got there. I had to open doors, answer the phone and use the radio. I did get to see them get sprayed. The offenders were wrapped up around each other and would not separate. At one time they were on the floor. But I do not know if Ornelas got to hit. I was not able to see everything.

interviewed by phone: A. Martinez CS2

Entered per A request AM

OFFENDER STATEMENT: On 10/24/84, I was defending myself from an offender who was attacking me. I put him down but it  
 OFFENSE CODES: was to hit him off me.  
 OFFENDER PLEA: (G, NG, NON) NG  
 FINDINGS: (G, NG, DS) NG  
 REDUCED TO MINOR (PRIOR TO DOCKET)   (DOCKET)   (HEARING)   BY: (INITIAL)    
 IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF  
 GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER.  
 EXPLAIN IN DETAIL: Due to Offender's Testimony and Written Statement

PUNISHMENT		
LOSS OF PRIV(DAYS) _____	REPTIMAND..... _____	SOLITARY(DAYS)..... _____
*RECREATION(DAYS) _____	EXTRA DUTY(HOURS)..... _____	REMAIN IN LINE 3..... _____
*COMMISSARY(DAYS) _____	COND. VISIT SUSP. THRU ____/____/____	REDUC. CLASS FROM ____ TO ____
*PROPERTY(DAYS)..... _____	CELL RESTR(DAYS)..... _____	GOOD TIME LOST(DAYS)..... _____
*OTS(DAYS)..... _____	OFFICIAL FELL RESTR(DAYS)..... _____	DAMAGES/FOREFEIT. \$ _____
SPECIFIC FACTUAL REASON FOR POSITION OR PUNISHMENT		IMPOSED: <u>n/c</u>

CREDIT FOR PRE HEAD AND INFORMATION REPORT (SEE ABOVE) Info NO (NO) 7  
 AND PLACED IN PRE HEAD INFORMATION REPORT 4-24-1960  
 UNDER SIGNATURE Capt. Howard J. H. [Signature] X [Signature]  
 CAPTAIN HOWARD  
 [Signature]

OPI Reference offender Ornelas, Juan # 1758617 x-MM aka "Mad Man" - Benny Boykin

Page 1 of 1

## OPI Reference offender Ornelas, Juan # 1758617 x-MM aka "Mad Man"/ Threat of Violence

Benny Boykin

Mon 5/16/2016 2:27 PM

Sent Items

To: Cynthia Tilley [REDACTED]@tdcj.texas.gov>; Jordy Hefner [REDACTED]@tdcj.texas.gov>; Kevin Benjamin [REDACTED]@tdcj.texas.gov>; Jon Harrison [REDACTED]@tdcj.texas.gov>;  
Cc: Rachel West [REDACTED]@tdcj.texas.gov>; Kevin Stipe [REDACTED]@tdcj.texas.gov>; Monika Howard [REDACTED]@tdcj.texas.gov>;

On 5-16-2016 anonymous information was received that offender Ornelas, Juan # 1758617 assigned to C-201 on J1 building was going to be assaulted due to the offender population believing he was informing to the administration. Offender Ornelas was interviewed and asked if he felt his life was in danger. He stated he did not know but a rumor was going around that he was a "snitch" ( informant) for the administration. Due to the offender's statement he was placed in transient status and an Offender Protection Investigation was initiated.

Placement: Transient status # 06 cell

Time and date: 5-16-2016 at 1430

Reason: Threat of Violence

Investigator: Sgt. Boykin

Benny Boykin Sergeant

Boyd USTGO

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISONS/PREA PROGRAM  
Offender Protection Investigation**

**Emergency Action Center  
Incident # 1-07304-05-16**

**Section I: Offender Information**

Offender Name: Ornelas, Juan TDCJ#: 1758617 Unit: Boyd

AKA: Mad Man Age: 33 Sex: M HEIGHT: 5'8" Weight: 202 lbs. Race: H

Status at the time of the request: Custody: G4 Housing Location: C-201T Work Assignment: Field Sqd #1

Was offender removed from GP during the investigation? ☐ No ☒ Yes If Yes, identify location: #06

Gang status (verify with UCR-07): ☐ Suspected ☒ Confirmed ☐ Monitored Gang Affiliation: X-MM

Sexual Orientation/Gender Identity: ☐ Lesbian ☐ Gay ☐ Bisexual ☐ Transgendered ☐ Intersex ☒ N/A

Date/Time Staff Aware of Possible Protection Situation (start of investigation): Date: 5-16-2016 Time: 1430

**Section II: Current Protection Request Information**

Mark the box that most accurately describes the allegation. Check all that apply when multiple issues exist.

☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☒ Threat of Violence ☐ Retaliation

Date and Time the Alleged Incident Occurred: Date: 4-24-2016 Time: 1800

Incident General Location: ☒ Housing Area ☐ Recreation Yard ☐ Dining Hall ☐ Work Area ☐ Other

Specific Area (explain): C wing on J1 building

Did this incident occur at another unit: (if Yes, indicate unit name): No

Method of report (Check one): ☐ Written ☐ Verbally ☐ Staff ☐ Third Party ☒ Anonymous ☐ Other (explain): N/A

Name of person reporting the situation (if third party reporting): N/A

Was the Office of the Inspector General Notified (OIG)? ☐ Yes ☒ No

Full Name of the OIG Investigator Contacted: Stephen Hem Date & Time: 5-17-2015 @ 1150am

Was the Offender taken to Medical? ☐ Yes ☒ No (If Yes Indicate) Date: N/A Time: N/A

Was the Emergency Action Center (EAC) Notified? ☒ Yes ☐ No (If yes, see text box on top of page to document Incident #)

Full Name of the EAC Staff Contacted: Amber Rash Date: 5-17-2016 Time: 12:09 pm

**Section III: Other Offender Involvement**

Offender Name	TDCJ #	Race	Assailant or Witness (A or W)	Custody Status	Housing Assignment	Gang Code	AKA
1. Brown, James		B	A	G4	Released		N/A
2. Medina, Raymond		H	W	G4	C-114T		N/A
3. Ochoa, Roger		H	W	G4	C-204B		N/A
4. Gutierrez, David		H	W	G4	C-213T		Chuco
5. Alvarez, Gabriel		H	W	G4	C-201B		N/A
6.							

Offender Name: Ornelas, Juan

TDCJ #: 1758617

**Section IV: Offender Statement** (For completion by offender; staff members shall assist with this section if offender has difficulty reading/writing. Utilize page 6, continuation page for additional pages)

Alleged Incident or Complaint: RUMOR IS I AM SNITCHING

Where did the incident occur? BOUND UNIT MED/CUSTODY Date/ Time this occurred? 4-24-2016

Were any activities taking place when your situation occurred? ☒ Yes ☐ No (If yes, list activities): SHOW TIME -  
WE WERE IN THE DAY ROOM - I WAS ATTACKED...

What action do you think should be taken to solve your problem (i.e., Job/Housing Change, Unit Transfer, Safekeeping, Protective Custody, etc.): UNIT TRANSFER / SAFE KEEPING

Offender Statement: I DONT WANT TO LEAVE THIS UNIT BECAUSE I  
FEEL SAFE HERE - OTHER UNITS ARENT SO SAFE FOR ME.  
IM GRAD. IM HERE ON A GANG RELATED CRIME AND  
IM BISEXUAL... SO YOU CAN SEE WHY I WOULD HAVE  
PROBLEMS ON A LOT OF UNITS... I DONT WANT TO GET  
HURT OR HURT ANY ONE ELSE. IM NO SAINT - BUT I AM  
WANTING TO CHANGE MY LIFE. ITS JUST HARD, BUT I  
DONT WANT TO HURT ANYONE OR GET HURT. IF I CAN  
GO TO PLACE THATS SAFE I THINK THAT WOULD BE  
BEST. IT WOULD BE A FRESH START AWAY FROM HERE  
WHERE IM INVOLVED WITH K2 AND STUFF. I WANT TO  
STOP ALL THAT. IM JUST WORRIED ABOUT BEING PUT ON  
A UNIT WITH ACTIVE GANG MEMBERS (MEXICAN MAFIA)...  
IM G4 AND I KNOW G4 AND G5 HAVE A LOT OF  
GANG MEMBERS. SORRY ABOUT ALL THIS. I KNOW I DONE  
THIS TO MYSELF...

**Section V: Allegations of Sexual Abuse** (complete this section only following a sexual abuse allegation)

What type of coercion or physical force did the assailant use prior to or during the incident? (Check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Persuasion or talked into sexual activity-out of fear | <input type="checkbox"/> Threatened with harm                           |
| <input type="checkbox"/> Bribed or blackmailed.                                | <input type="checkbox"/> Physically held down or restrained in some way |
| <input type="checkbox"/> Was given drugs or alcohol                            | <input type="checkbox"/> Physically harmed or injured                   |
| <input type="checkbox"/> Was offered protection from other offenders           | <input type="checkbox"/> Threatened with a weapon                       |
| <input type="checkbox"/> Other (describe) _____                                |   |

**Section VI: Offender Certification of Allegations**

I have written/read the foregoing statement and it contains all of my complaint(s), all names of witnesses, and all names of individuals to whom I reported the alleged incident. I have stated my preferred remedy for this complaint and a summary of the alleged complaint without coercion or intimidation on the part of TDCJ or any other individual(s).

Offender Printed Name/TDCJ# JUAN L ORNELAS  
0758617Offender Signature [Signature]Date 5-16-2016Staff Witness Printed Name/Title [Signature]  
[Signature]Staff Witness Signature [Signature]Date 5-16-2016Staff Witness and/or Interpreter Printed Name/Title [Signature]  
[Signature]Staff Witness Signature [Signature]Date 5-16-2016



Offender Name: Ornelas, JuanTDCJ #: 1758617**Section VII: Previous Protection Request Facts**Have there been similar incidents or prior protection requests? ☐ Yes ☒ No

If yes, document date of incident/Offender Protection Investigation and unit of assignment on which the incident occurred:

N/A

Check the box describing the final outcome/action taken of the most recent Offender Protection Investigation.

☐ Housing Change ☐ Job Change ☐ Unit Transfer ☐ Safekeeping ☐ Protective Custody ☐ No Action Taken☒ Not Applicable (no prior requests) ☐ Other (describe)

N/A

Has the offender had previous assignments in safekeeping or protective custody? ☐ Yes ☒ No ☐ Currently Assigned**Section VIII: Resources/Information Used to Investigate Allegations (Check all that apply and attach copies of only those documents used as evidence. It is unnecessary to copy the UCC History Form, Admission Summary, OPI's and Disciplinary Reports as they are a permanent part of the offender's record.)**☐ UCC History Form UCC committee Date: \_\_\_\_\_ UCC Unit: \_\_\_\_\_☐ Admission Summary and Additional Information☒ Disciplinary Report: Offense Date and Disciplinary Report Number: 20160253174, 20160209164, 20160245085☐ Previous Offender Protection Investigation: OPI date: N/A OPI Unit: N/A☒ Computer Screens: (List and attach screens used)

OS, Classification profile

☐ Photo Line-up: Number of Offenders Reviewed: \_\_\_\_\_ (Attach photocopy of line up with TDCJ# below each photo)☒ Offender Witness Statements (Attachment K) Number of statements included: 4☐ Staff Witnesses Statements (Attachment K) Number of statements included: \_\_\_\_\_☐ Medical Reports or Clinic Notes (Attach copy of medical exam(s))☐ Property Forms (list attached forms) \_\_\_\_\_☐ Travel Card☐ Housing Locators☐ Job Rosters☐ Grievance Reports☐ Trust Fund/Commissary History☐ Security Threat Group Staff Statements☐ Unit Safe Prisons/PREA Manager Statement☐ Outside agencies contacted (law enforcement/civilian agencies/county jails)☐ Visitors Lists☐ EAC Reports☒ Other (list sources)

Email Initiate OPI



Offender Name: Ornelas, Juan

TDCJ #: 1758617

**Section IX: Additional Information**

Has the property of offenders identified as assailants been searched? ☐ Yes ☒ No If yes, identify by name and TDCJ#  
N/A

Did the offender make any contradictory statements during the investigation? ☐ Yes ☒ No If yes, describe:  
N/A

Other important information:  
N/A

**Section X: Investigation Summary (Utilize continuation page 6 for additional writing space)**

On 5-16-2016 anonymous information was received that offender Ornelas, Juan # 1758617 assigned to C-201T on J1 building was going to be assaulted due to the offender population believing him to be an informant for the administration. Offender Ornelas was summoned to the Security Threat Group office for interview. Offender Ornelas stated that the rumor he was an informant had been circulating around the unit for a while. He stated he was most recently confronted by a black offender on 4-24-2016 that resulted in a fight (verified). He claimed that he had not heard anything in the last few days but the offender appeared to be apprehensive about his situation. Consequently, the decision was made to place the offender in transient status and conduct an Offender Protection Investigation.

Offender Ornelas is a 33 year old Hispanic male G4 custody x-Mexican Mafia aka "Mad Man" admitted bi-sexual serving a 15 year sentence from Kerr County for Evading Arrest, Unlawful Possession of a Firearm by a Felon and Deadly Conduct. Offender Ornelas completed page 2 of attachant J. His written statement reflects he is concerned about his current situation because he is involved with K2 and other stuff as he puts it. He stated he feels he needs a transfer but is concerned about being sent to another unit that has active gang members.

Due to the information received concerning the safety of offender Ornelas, his cell was searched prior to initiating the Offender Protection Investigation. Offender Ornelas had in his possession paraphernalia consistent with the packaging and distributing of synthetic marijuana (K2). No K2 was found, however, it was clear that offender Ornelas who has been caught multiple times on the Boyd Unit with K2 is still a major distributor of that product. He was found with homemade alcohol and a disciplinary case written.

Interviews were conducted with two offenders affiliated with the [REDACTED] assigned to G4 custody. Offender Medina, Raymond # [REDACTED] monitored for affiliation with the San Antonio Tango. Offender Medina confirmed the word among the offender population is that offender Ornelas is a "snitch". He stated the offender has been caught multiple times with K2 and he is still on the unit. He stated anybody else would have been transferred. Offender Medina stated he had not heard that offender Ornelas would be assaulted but offenders were jealous of him because he is openly dealing with K2 and the administration has let it happen.

Offender Ochoa, Roger # [REDACTED] a Confirmed [REDACTED] was also interviewed. He stated that he did not associate with offender Ornelas because everybody knows he is "snitching" to you Boykin. He further stated that he would not lay a hand on him but it was suspicious that a guy that has been caught as many times with K2 as offender Ornelas is still on the unit.

Offender Brown, James # [REDACTED] has been released from TDCJ custody. He was charged with assaulting offender Ornelas on 4-24-2016. According to interviews conducted with offender Brown by security staff the assault occurred because that he thought offender Ornelas had informed on him to security staff. Offender Brown and Ornelas were assigned in the same cell at the time. Security searched the cell and because of offender Ornelas's reputation, offender Brown felt that Ornelas was responsible and consequently assaulted him.

Benny Boykin Sergeant

Investigator's Printed Name/Title

Investigator's Signature

5-16-2016

Date

Offender Name: Ornelas, JuanTDCJ #: 1758617**Section XI: Investigation Review (Check all that Apply)****Major or Above**☐ Return to Investigator for additional information Date Returned: \_\_\_\_\_ Time Returned: \_\_\_\_\_

Comments: \_\_\_\_\_

☒ Investigation Complete (official completion of investigation) Date Completed: 5-18-15 Time Completed: 10:10 AM☒ Forwarded to Unit Classification - Date Forwarded: 5-18-15 Time Forwarded: 10:11 AMK Benjamin Major  
Reviewing Authority Printed Name/TitleK Benjamin  
Signature5-18-15  
Date**Extension Authorization**

The signature below provides authorization to extend the Offender Protection Investigation 72-hours beyond the original 72-hours to collect additional facts and evidence for completion of the investigation.

Justification for investigation extension: \_\_\_\_\_

Major or Above Printed Name/Title

Signature

Date

**Section XII: UCC Review and Recommendation (please print clearly)**

Based on the preponderance of evidence contained within the investigation, the UCC determined the allegations of this investigation to be: (When multiple issues exist, select the appropriate investigative outcome followed by the type of allegation.)

☐ Substantiated - Based on facts and evidence from the investigation, the incident was determined to have occurred.☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation☒ Unsubstantiated - Evidence was insufficient to make a final determination that the incident may or may not have occurred.☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☒ Threat of Violence ☐ Retaliation☐ Unfounded - Based on facts and evidence from the investigation, it was determined the incident did not occur.☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation

Note: Ensure a disciplinary case is processed for all substantiated and unfounded outcomes as appropriate.

Committee recommends the following action (Check all that applies):

☐ Housing Change ☐ Job Change ☒ Unit Transfer ☐ Safekeeping ☐ Protective Custody ☐ No Action Taken

Justification for decision:

Unable to substantiate the threat of violence but, the investigation found that the offender has been violent as an inmate. Further, the fact that the offender or his associates had previously a weapon for protection the Unit Administration will not be in jeopardy.

Indicate by TDCJ# the offenders to be noted as not for same unit:

K Benjamin Major  
UCC Chairperson's Printed NameK Benjamin  
UCC Chairperson's Signature5-18-15  
Committee Date**Offender Acknowledgement**☐ Offender refused to sign ☐ Offender was absent from UCC (Complete "UCC Notification of OPI Outcome" form)

Offender's signature below acknowledges that he or she was present and was made aware of the investigative outcome.

Juan Ornelas  
Offender Signature/TDCJ# 01758617

Offender Name: Ornelas, Juan

TDCJ #: 1758617

**Section XIII. Continuation Page (use only as needed)****Information Provided By**

Benny Boykin

Sergeant

Printed Name of Staff or Offender

Rank/Title or TDCJ #

**Additional Information or Comments**Continuation from OPI Page #: 4 Section #: X Page 1 of 1

On 5-17-2016 the Region Contraband Interdiction Team was on the Boyd Unit to search areas of concern identified by the administration. Due the contraband found the previous day on 5-16-2016 in cell C-201 the decision was made to have the team search that area removing light fixtures and wall sockets. In the cell vent a metal rod was found. It was retrieved and found to be 8 inches in length with a sharpened point. A chain of custody was established. The only occupant in the cell at the time of the search was identified as Alvarez, Gabriel # 1904451. Offender Alvarez was questioned and stated he had no idea the item was in the vent. Offender Ornelas was questioned even though he had been moved from the cell on 5-16-2016. Offender Ornelas admitted that the weapon was his and he had placed it in the vent prior to being moved out. He stated he had gotten the weapon to protect himself in the event he got jumped on.

A chain of custody was established on the weapon and the appropriate notifications made to OIG and the Emergency Action Center. The Emergency Action Center assigned incident number # I-07304-05-16. Offender Ornelas was apprised he would receive a disciplinary case for Possession of a Weapon and be recommended by the unit for Security Detention Administrative Segregation.

Investigation finds that offender Ornelas has been labeled as an informant by other offenders. From interviews it was determined that the fact he has been found with K2 on multiple occasions and is still on the Boyd Unit has caused the offender population to think that he is an informant. Furthermore, the fact that offender Ornelas had procured a weapon for protection certainly leads any prudent individual to think that his safety may be in jeopardy if returned to general population on the Boyd Unit.

Staff or Offender Signature

5-17-2016

Date

SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Gutierrez, David	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 0845	

Report Type: ☐ Witness Statement ☒ Report of Interview (check one)

Offender Gutierrez, David [REDACTED] is an x [REDACTED] assigned to A wing on J1 building. He was interviewed regarding allegations received that offender Ornelas's safety was in jeopardy. He agreed to be interviewed but declined to provide a written statement.

Offender Gutierrez was reluctant to talk but did state the word was that the Tango was going to drop offender Ornelas because they think he is an informant for the administration. He stated the dude has been caught with K2 more than once and he is still on the unit. He stated "what's up with that?"

Report of Interview

Witness Printed Name

Benny Boykin

Investigator's Printed Name

Signature

Signature

Date

5-17-2016

Date

Interpreter Printed Name

Signature

Date

Following completion, attach this form to the Offender Protection Investigation.

SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Medina, Raymond	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 0900	

Report Type: ☐ Witness Statement ☐ Report of Interview (check one)

Offender Medina, Raymond # [REDACTED] was interviewed regarding any knowledge he might have of any life endangerment issues of offender Ornelas, Juan # 1758617. Offender Medina declined to provide a written statement.

Offender Medina is a G4 custody offender. Monitored for affiliation with the [REDACTED] stated that he had not heard offender Ornelas was to be assaulted but there was a rumor that he was a "snitch". He stated Ornelas had been caught with K2 several times and is still on the unit operating and offenders think he is an informant. He went on to say there were a lot of offenders that were jealous of him.

Report of interview

Witness Printed Name

Benny Boykin

Investigator's Printed Name

Interpreter Printed Name

Signature

Signature

Signature

Date

5-17-2016

Date

Date

Following completion, attach this form to the Offender Protection Investigation.

SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Ochoa, Roger	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 0940	

Report Type: ☐ Witness Statement ☒ Report of Interview (check one)

Offender Ochoa, Roger # [REDACTED] is a G4 custody offender assigned to C wing where offender Ornelas was assigned. He is a Confirmed [REDACTED]. He was questioned about the life endangerment issues being investigated regarding offender Ornelas. He agreed to give a verbal statement but declined to provide a written statement.

Offender Ochoa stated he did not associate with offender Ornelas because he is a "snitch". He stated he had not heard he was to be assaulted. He stated he was not going to bother him but he knew what he was.

## Report of interview

Witness Printed Name

Benny Boykin

Investigator's Printed Name

Signature

Signature

Date

5-17-2016

Date

Interpreter Printed Name

Signature

Date

Following completion, attach this form to the Offender Protection Investigation.



SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Alvarez, Gabriel	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 1400	

Report Type: ☐ Witness Statement ☒ Report of Interview (check one)

Offender Alvarez, Gabriel # [REDACTED] was interviewed due to him being cellmates with offender Ornelas prior to offender Ornelas being locked up. Offender Alvarez refused to give a written statement.

Offender Alvarez stated he had not been in the cell with offender Ornelas very long and he (Ornelas) never mentioned to him about having any problems. He stated offender Ornelas stayed in the cell a lot but he had not heard about any life endangerment issues.

Report of interview

Witness Printed Name

Benny Boykin

Investigator's Printed Name

Signature

Signature

Signature

Date

5-17-2016

Date

Date

Following completion, attach this form to the Offender Protection Investigation.

## PREA and Transportation Department Abuses

**Recommendation 18: Extend PREA standards to transportation.** TDCJ appears to not hold the Transportation Department to PREA standards because the standards are facility-based, a loophole the agency is unethically allowing. This is very likely a problem, or potential problem, in all prison systems. The existence of this loophole, however, does not abrogate agency responsibilities under section 115.11 to have—as an agency—“zero tolerance toward all forms of sexual abuse and sexual harassment.”

## PREA Confidentiality

**Recommendation 19: Confidential correspondence for anti-violence advocates.** Under PREA Standard 115.53, facilities “shall provide inmates with access to outside victim advocates for emotional support services . . . of local, state, or national victim advocacy or rape crisis organizations . . . in as confidential a manner as possible.” TDCJ and all jails and prisons in Texas should implement a class of confidential correspondence so that community advocates and sex abuse survivor advocates are not required to have an attorney on staff to receive confidential mail from incarcerated persons.

**Recommendation 20: Keep reports of violence confidential.** PREA § 115.61(b) notes that “[a]part from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary.” It is common practice for guards and administration to disclose, directly or indirectly, that someone reported violence or details about the report. Privacy is not respected; one of our correspondents, a transgender woman being transported to a SANE exam after being raped, experienced guards yelling across the yard that she was “going to get her butt checked.” Not only does that disrespect personal privacy rights, it also increases endangerment by announcing she reported a rape. Information is passed to trustees or SSIs (staff support inmates), who provide the information to associates, endangering the lives of anyone filing a report. Staff and investigators discuss reports in non-private settings, such as at a distance with a loud voice through a cell door where others can easily hear, most likely to discourage further reports and encourage the case to be dropped.

## PREA Data Collection and Disclosure

**Recommendation 21: Track and make available disciplinary cases against survivors.** Track disciplinary cases received by all who are associated with reports of violence to identify potential retaliation. The cases should be available to victim advocacy organizations on request.

**Recommendation 22: Monitor transgender housing practices.** Collect aggregate data noting the number of persons in the prison system identified as transgender, the gender of the housing, and the presence or absence of genital reconstruction surgery. Unit level data must be provided to PREA auditors as part of the facility assessment, and audit interviewees must be clearly invited to discuss their housing as appropriate or inappropriate to their gender with PREA auditors. Aggregate data should be available to community advocate organizations on request.

**Recommendation 23: Track persons with non-substantiated reports of violence.** Far too many incidents of sexual violence are found unsubstantiated or unfounded. Each person with an

*continued on page 15*

EX-B-012

impacts their mental health and they request not to be isolated. We have received numerous non sequitur explanations from TDCJ staff that this is not solitary because it is not for punishment. Solitary confinement is housing as a single occupant with limited human interaction for 22 or more hours a day, regardless of the purpose of that solitary confinement.

**Recommendation 13: Institute independent grievance oversight.** The grievance process at TDCJ is highly problematic and easily manipulated by persons in power at the units. Suggestions from advocates include establishing an Office of Independent Ombudsman or expanding the Texas Juvenile Justice Department Office of Independent Ombudsman to review grievances not handled at the unit level. Regardless of specifics, the grievance process must be made more accountable through strong independent oversight with input from advocates with a vested interest in eliminating abuse and violence in prisons.

**Recommendation 14: End abusive interpretation of PREA § 115.42(g).** Clearly define that placing transgender persons together in a cell does not in itself infringe on prohibitions against “dedicated facilities” under PREA § 115.42(g) and may be the best way to house some transgender persons. Transgender persons should always be provided this option for housing where available.

## Searches

**Recommendation 15: End routine strip searches.** TDCJ and many prison systems engage in routine daily—sometimes multiple times a day—strip searches of persons in certain custody levels. These are conducted so often and unnecessarily that they exceed any legitimate security or penological interest. Unnecessary routine strip searches are a form of sexual abuse and have a disproportionately negative affect on LGBTQ persons, particularly those who have suffered sexual trauma and those for whom such searches increase the likelihood of additional victimization by others. This is especially problematic for transgender persons housed in gender segregated facilities that do not conform to their gender.

**Recommendation 16: Follow PREA search best practice guidelines.** The four options for transgender and intersex persons are: 1) searches are conducted only by medical staff; 2) pat searches of adult inmates are conducted by female staff only, especially given there is no prohibition on the pat searches female staff can perform (except in juvenile facilities); 3) asking inmates/residents/detainees to identify the gender of staff with whom they would feel most comfortable conducting the search, and 4) searches are conducted in accord with the inmate’s gender identity.

## PREA Audit Reports

**Recommendation 17: Require external comments on audit reports where a potential conflict of interest exists.** PREA auditor certification allows employees of correctional agencies to conduct audits, and this is a potential conflict of interest with the Auditor Code of Conduct requirement that “PREA auditors must be independent, objective, and credible in evaluating the extent to which confinement facilities comply with the PREA Standards” (PREA Management Office, 2017, p. 8). Reports for all audits where the lead auditor is a current correctional agency employee or has been an employee of any correctional agency in the past 10 years should be required to include review by an external advocacy agency.

*continued on page 14*

CASE: 20160281695 TDCJNO: 01758617 NAME: ORNELAS, JUAN JAVIER EA: 10.3  
 UNIT: BY HSNG: PHD 06 JOB: TRANSIENT PENDING OPI TRANSFER IQ: 096  
 CLSS: L3 CUST: 3A PRIMARY LANGUAGE: ENGLISH LMHA RESTRICTIONS: NONE  
 PRD: MA / KB OFF. DATE: 05/17/16 11:30 AM LOCATION: BY MISCELLANEOUS  
 TYPE: ID

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT BY J1 BUILDING CELL NO. C-201,  
 OFFENDER: ORNELAS, JUAN JAVIER, TDCJ-ID NO. 01758617, DID POSSESS A WEAPON  
 INTENDED TO BE USED TO INJURE ANOTHER PERSON, NAMELY, AN 8 INCH METAL ROD  
 SHARPENED TO A POINT.

CHARGING OFFICER: BOYKIN, B. SGT

SHIFT/CARD: 1 H

OFFENDER NOTIFICATION IF APPLICABLE INTERPRETER  
 TIME/DATE NOTIFIED: 115 05-20-16 BY: (PRINT) *W. O. R. N. E. Z. (S)*

YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS  
 NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU  
 PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: *[Signature]* DATE: 05-20-16

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE  
 HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: *[Signature]* DATE: 05-20-16

## HEARING INFORMATION

HEARING DATE: 5/20/16 TIME: 115 UNIT BY FOLDER D FILE 064 DSFILE 247482

COUNSEL SUBSTITUTE AT HEARING: *[Signature]* FOLDER FILE DSFILE

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART  
 HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN  
 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE  
 EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM  
 HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A  
 WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING  
 WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED:  
 (SIGNATURE) \_\_\_\_\_

OFFENDER STATEMENT: *I was removed from C-201, the cell was*

*searched, I was searched too, it was found the following do,*

OFFENSE CODES: 06, 0 *If was found in the*

OFFENDER PLEA: (G, ☒ NG, ☐ NONE) *NG* *ventilation system*

FINDINGS: (G, ☒ NG, ☐ DS) *G* *It was not mine I*

REDUCED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIAL) *I was not*

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF *even assigned*

GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER. *to that cell*

EXPLAIN IN DETAIL: *B) officer report* *when I was*

*listening of B + C during the hearing* *found.*

## PUNISHMENT

LOSS OF PRIV (DAYS) REPRIMAND..... SOLITARY (DAYS)..... 15

\*RECREATION (DAYS) 45 EXTRA DUTY (HOURS)..... REMAIN LINE 3..... AL3

\*COMMISSARY (DAYS) 45 CONT. VISIT SUSP. THRU / / REDUC. CLASS FROM TO

\*PROPERTY (DAYS) CELL RESTR (DAYS)..... 45 GOOD TIME LOST (DAYS).....

\*OTS (DAYS) 45 SPECIAL CELL RESTR (DAYS)..... DAMAGES/FORFEIT, \$

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: *modify by*

*holman 3rd Major case w/ last 70 days.*

CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) NO ☒ NA 9

DATE PLACED IN PRE-HEARING DETENTION: 5-17-16 HEARING LENGTH 9 (MINUTES)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: *[Signature]* *on hand restraints*

HEARING OFFICER (PRINT) WARDEN REVIEWER SIGNATURE

(FORM I-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

(REV. 04-10) COMUNIQUESE CON SU CONSEJERO SUSTITUTO SI NO ENTIENDE ESTA FORMA

Ex: B-013

Patient Name : [REDACTED]  
 Patient Id : 1758617  
 Patient Phone : [REDACTED]  
 Date of Birth : 1-1-1988  
 SS# : -- Sex : Male

Ordering  
 Physician : ISBELL, WANDA  
 Facility : BOYD (BY)  
 6 MILES NE ON I84  
 TEAGUE TX 75860

Test Name	Result	ABN Unit Flag	Reference Range	LAB ID
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Accession: 16H-139C2035 Requisition: C55611046002  
 Drawn: 05/18/16 06:42 Received: 05/18/16 23:36 Reported: 05/19/16 01:08

Procedure: GALV ONLY - HIV TYPE 1 AND 2 ANTIBODY TESTING  
 HIV Interpretive Data:

Negative: 0.00-1.00

Reactive: >1.00

HIV 1/2 ANTIBODY QUANTITATIVE	0.10			HG
HIV 1/2 TESTING	Negative		Negative	HG

Test Performed at: HG  
 UTMB Lab Pathology Clinical Services  
 301 University Boulevard  
 Galveston, TX 77555 Timothy C Allen, MD

L Low, LL Panic Low, H High, HH Panic High, A Abnormal, AA Panic

Ex: B-014

## Lab Data Imported From UTMB - Galveston Lab System

Patient Name : ORNELAS, JUAN J  
 Patient Id : 1758617  
 Patient Phone :  
 Date of Birth : ~~10/18/1988~~  
 SS# : -- Sex : Male

Ordering  
 Physician : ISBELL, WANDA  
 Facility : BOYD (BY)  
 6 MILES NE ON I84  
 TEAGUE TX 75860

Test Name	Result	ABN Unit Flag	Reference Range	LAB ID
-----------	--------	------------------	--------------------	-----------

Accession: 16H-139C2035 Requisition: C55611046003  
 Drawn: 05/18/16 06:42 Received: 05/18/16 23:36 Reported: 05/19/16 01:08

Procedure: HCV ANTIBODY				
HCV ANTIBODY	Negative			HG
HCV ANTIBODY QUANTITATIVE	0.01			HG

Test Performed at: HG  
 UTMB Lab Pathology Clinical Services  
 301 University Boulevard  
 Galveston, TX 77555 Timothy C Allen, MD

L Low, LL Panic Low, H High, HH Panic High, A Abnormal, AA Panic

Ex: B-015



# **HEALTH SERVICES DIVISION SICK CALL REQUEST**

PART A: (To be completed by offender)

Date: 7-5-16Offender's Name: JUAN J. ORNELASTDCJ No.: 0758617Work Assignment: AD-SEGWork Hours: N/AWing No: 12-F-69Urs: N/AService needed: ☐ Medical ☐ Dental ☒ Mental Health ☐ Other:Reason for Health Services Appointment: REQUESTING TO SPEAK WITH YOU IN  
PRIVATE - SEVERELY DEPRESSED

How long have you had this problem?

Hours: \_\_\_\_\_

Days: \_\_\_\_\_

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

Signature of Offender

2016 JUL 6

19:55H

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: \_\_\_\_\_

*Appt Scheduled Clinic  
for talk to psych*  
*[Signature]*  
Date 7/6/16

Medical Staff Member's Signature

HSA – 9 (Rev. 2/12)

## **TEXAS DEPARTMENT OF CRIMINAL JUSTICE HEALTH SERVICES DIVISION SICK CALL REQUEST**

(4)

PART A: (To be completed by offender)

Date: 8-10-16Offender's Name: Juan Javier OrnelasTDCJ No.: 0758617Work Assignment: Ad-seg.

Work Hours: \_\_\_\_\_

Wing No: 12-F-69Service needed: ☐ Medical ☐ Dental ☒ Ment. Health ☐ Other: MHMRReason for Health Services Appointment: Severely depressed, trouble eating and sleeping. I need to talk to you a.s.a.p.

How long have you had this problem?

Hours: \_\_\_\_\_

Days: \_\_\_\_\_

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

2016 AUG 11

8:41

Signature of Offender

*[Signature]*

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: Appt with MH scheduled

"Severely Depressed, trouble eating sleeping"  
12 F 69

Medical Staff Member's Signature

Date

Ex: B-016

TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
HEALTH SERVICES DIVISION  
SICK CALL REQUEST

M-H-1

PART A: (To be completed by offender)

Date: 8-18-2016Offender's Name: Juan Javier OrnelasTDCJ No.: 01758617Work Assignment: Ad. SegWork Hours: —Wing No: 12-F-69Service needed: ☐ Medical ☐ Dental ☒ Mental HealthReason for Health Services Appointment: not feeling well or sleeping normally, lost 14 lbs...

How long have you had this problem?

Hours: —Days: —

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

2016 AUG 18

8:44

Signature of Offender

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: Appt Scheduled Clinic  
for depressed patient  
for appt

Medical Staff Member's Signature

HSA-9 (Rev. 2/12)

Date 8/19/16

TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
HEALTH SERVICES DIVISION  
SICK CALL REQUEST

PART A: (To be completed by offender)

Date: 2-26-2017Offender's Name: Juan Javier OrnelasTDCJ No.: 01758617Work Assignment: Ad. SegWork Hours: —Wing No: C-2-12School H: —Service needed: ☒ Medical ☐ Dental ☐ Mental Health ☐ Other: —Reason for Health Services Appointment: Requesting Acetaminophen 325 MG tablets for headaches, stomach pain and nausea

How long have you had this problem?

Hours: —Days: —

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

Paid in full / Covered till 3/29

Signature of Offender

SCANNED

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: you will be scheduled with a provider

RECEIVED FEB 27 2017

Medical Staff Member's Signature

BRIAN M  
2/27/17

Ex: B-017



Texas Department of Criminal Justice

## STEP 1

OFFENDER  
GRIEVANCE FORM

Offender Name: Juan Javier Ornelas TDCJ # 01758617  
 Unit: Telford Housing Assignment: 12-B-77  
 Unit where incident occurred: Telford

## OFFICE USE ONLY

Grievance #: 2017008169  
 Date Received: 9-16-16  
 Date Due: 10-26-16  
 Grievance Code: 202  
 Investigator ID #: 10282  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: OCT 11 2016

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? State Classification Committee When? 9-15-2016

What was their response? Stated that I 'to spend time in ad seg

What action was taken? Remain on current 5 until 3/17

State your grievance in the space provided. Please state who, what, where and the disciplinary case number if appropriate

I would like to appeal the SCC's decision made on 9-15-16.  
I feel that the decision is invalid and not in harmony  
with the TDCJ ad seg plan. The review hearing was a  
rushed mess and in its process my verbal statement was  
cut short. my documentary evidence was not thoroughly  
reviewed and errors were made by SCC in documenting  
my statements and evidence. Furthermore SCC based  
their decision on "I weapon possession case" that did not  
involve any threats or assaults of any kind. I would also  
like to add that I feel that my documentary evidence  
was not taken into consideration nor was my disciplinary  
record (which reflects that I am a non-aggressive -  
non-aggressive offender). I am also a level 1 ad seg  
offender with a clear disciplinary record while in ad seg.  
if you review the SCC review hearing record and compare  
it with my written statement you will see that I  
never stated or requested to return to GP as SCC  
documented. This should show you that the review  
hearing was truly a rushed mess. This is an injustice.  
When TDCJ officials do not do their job accordingly  
people get hurt. Now this is my life at risk here.  
I requested to be placed in protective custody or  
safe keeping and provided documentary evidence to show

that I was being threatened assaulted, and pressured into doing sexual favors for other offenders in G.P. The offenders who did this to me got commissary restriction but I got thrown in ad seg. How is that fair, right or justifiable? I served my punishment for my bogus weapon possession case. Now I am being subjected to further cruel and unusual punishment. Enough is enough, how much more do I need to suffer? Do you want me to let other offenders rape me? Is that it? I got to let others rape and assault me.

Action Requested to resolve your Complaint.

Requesting 90 day special review/requesting P.C. or Safekeeper

Offender Signature: John James Pinelera Date: 5-15-2016

Grievance Response:

Information received from Chief of Unit Classification R. Walter reveals the decision of State Classification Committee is final however, you will be reviewed again by SCC in 6 months. No further action is warranted.

Signature Authority: [Signature] Facio Date: 5/15/16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \* Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant. Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
2 <sup>nd</sup> Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
3 <sup>rd</sup> Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____

Appendix J

Ex. [REDACTED] B-019

I-60

TO: MHMR Telford Unit

Address: 3899 State Hwy 98, New Boston, Tx: 75570

Subject:

I would like to inform you that I will be going on a hunger strike on 9-20-2016 to peacefully protest the following:

- 1) TDCJ's failure to protect me from threats, assaults and sexual abuse, from other offenders.
- 2) TDCJ's failure to respond according to TDCJ's policies and procedures to threats, assaults and sexual abuse done to me by other offenders.
- 3) SCC's decision - made on 9-15-2016.
- 4) The punishment that I am being subjected to. Ad. seg is a form of torture. It is cruel and unusual punishment.
- 5) Telford Units grievance department throwing away my grievances and documentary evidence.

Note:

In case of an emergency contact my mother Rolanda A. Lerma at (830) 370-1423.

Name: Juan Javier Ornelas TDCJ No: 01758617

2016 SEP 22 5:52

ISNG: 12-B-77 Date: 9-19-2016

Reply: per Lt. Clerk to breakfast meal 9/22/2016

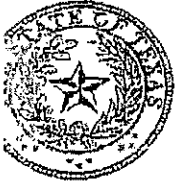
Hunger strike ended -

Rolanda R

(F)

Ex: B-020





## Texas Department of Criminal Justice

# STEP 1 OFFENDER GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID #: \_\_\_\_\_

Extension Date: \_\_\_\_\_

Date Read to Offender: \_\_\_\_\_

Offender Name: Juan Javier Omelas TDCJ # 01752617  
 Unit: Eastham Housing Assignment: B-2 Row-5 Cell  
 Unit where incident occurred: Telford

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Telford Unit officer When? 11-10-16

What was their response? If there is any fighting, it won't be much

What action was taken? Placed me on bus with STG's

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On 11-10-16, on Telford Unit, TDCJ officers failed to properly search inmates for contraband and properly secure their restraints in advance of an emergency transport of dangerous & seg offenders from Telford Unit to Eastham Unit. Their actions resulted in multiple offenders boarding the bus on Telford Unit armed with razors and homemade shanks, and en route to Eastham Unit multiple offenders were assaulted with deadly weapons and other offenders engaged in fights with and without weapons, all of which resulted in multiple offenders suffering serious bodily injuries. Some of this was unrelated and some of it was not. I file this complaint because I was placed in danger of serious bodily injury and a fear for my life. Prior to being placed on the bus at Telford Unit, I spoke with an officer at 12-F-73 (camera check will verify this) about the dangers of placing me on the bus in proximity of known enemies and STG offenders. (I am a GEAR offender). I feel that this practice is reckless and dangerous. I verbally requested to be separated from STG offenders during transport to Eastham Unit and was denied. I was told that I would be safe because everyone was going to be secured in cuffs, chains and locks. Obviously that did not happen. I continue to be transported and housed with STG's without any regard for my safety and life. I feel that this

27 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix F

Ex. XXXX B-021



a violation of my eighth amendment constitutional right (cruel and unusual punishment clause). I live in constant fear for my safety and life. In JCS restraints and other locking mechanisms can be easily manipulated and security can be breached.

Filed in preparation of litigation / exhausting state remedies.

Action Requested to resolve your Complaint.

Do not house and transport me with known enemies and JCS offenders.

Offender Signature: Juan Javier Canelas Date: 11-14-2016

Grievance Response:

Signature Authority:

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. Use the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

1. Grievable time period has expired.
2. Submission in excess of 1 every 7 days. \*
3. Originals not submitted. \*
4. Inappropriate/Excessive attachments. \*
5. No documented attempt at informal resolution. \*
6. No requested relief is stated. \*
7. Malicious use of vulgar, indecent, or physically threatening language. \*
8. The issue presented is not grievable.
9. Redundant. Refer to grievance # NOV 14 2016
10. Illegible/incomprehensible. \*
11. Inappropriate. \*

Printed Name/Signature: Delores Washington NOV 14 2016

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority:

27 Back (Revised 11-2010)

#### OFFICE USE ONLY

Initial Submission UGI Initials: DW  
 Grievance #: 2017039811  
 Screening Criteria Used: 08  
 Date Recd from Offender: NOV 14 2016  
 Date Returned to Offender: NOV 14 2016  
 2nd Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 3rd Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_

Appendix

Offender Name: Ornela, Juan TDCJ #: 1758617 Unit: EA Grievance #: 2017039811

## Emergency Checklist

An Emergency complaint is defined as a written complaint requiring immediate action about matters that would subject the offender to substantial risk of personal injury or cause other serious or irreparable harm for incidents such as sexual assault, requests for protection, extortion, or medical emergencies.

The following checklist may be used to determine if the matter presented in the complaint should be processed as an emergency. It is imperative that the following questions be answered as fairly, impartially and objectively as possible. If the answer is "yes" to questions 1-5, the complaint should be processed as an emergency in accordance with agency policy. When applying Checklist, question #6, questions #1-#5, should reflect N/A, and the grievance shall be coded as a regular grievance subject to all screening criteria.

This checklist must be maintained with the grievance in the offender's file (subject to record retention requirements).

1. Does the allegation describe an incident of sexual abuse, sexual assault without that person's consent?  
☐ YES ☒ NO ☐ N/A, see #6
2. Does the allegation describe an incident of unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature?  
☐ YES ☒ NO ☐ N/A, see #6
3. Does the allegation describe an unreported use of force or any physical contact that would present a substantial risk to the offender, irreparable harm, or place the offender in serious danger?  
☐ YES ☒ NO ☐ N/A, see #6
4. Does the allegation describe a situation, or a specific threat by a staff member or another offender that would present a substantial risk to the offender, cause irreparable harm, or place the offender in serious danger?  
☐ YES ☒ NO ☐ N/A, see #6
5. Does the allegation involve the denial of treatment that would present a substantial risk to the offender, cause irreparable harm, or place the offender in serious danger?  
☐ YES ☒ NO ☐ N/A, see #6
6. Does the allegation describe an incident that has been previously identified and/or addressed in another grievance?  
☐ YES ☒ NO

Grievance Number: \_\_\_\_\_

If the response to question #6 was yes, were the following actions taken in regards to this incident?

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| • Telephone call to highest ranking security supervisor       | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Immediate written notification (email) to appropriate staff | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Copy of narrative provided to appropriate staff             | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Investigation was initiated                                 | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

I have thoroughly reviewed the information that was provided to me. All of the answers given to the above questions are true and correct to the best of my knowledge.

Delores Washington  
Printed Name of Reviewer

Delores Washington WGL-TTE  
Signature of Reviewer

11/14/16  
Date

Texas Department of Criminal Justice  
**INSTRUCTIONS ON HOW TO WRITE AND SUBMIT GRIEVANCES**

---

1. *Grievance forms are available from the law library, housing area, shift supervisors, or by contacting the unit grievance office. After completely filling out the form, place it in the grievance box yourself or hand it directly to the grievance investigator on your unit. Step 2 appeals must be accompanied by the original, answered Step 1.*
2. *An attempt to informally resolve your problem must be made before filing a grievance. Informal resolution is defined as any attempt to solve the issue at hand and must be noted on the Step 1 grievance form (I-127). You have 15 days from the date of the alleged incident or occurrence of the issue presented in which to complete the Step 1 grievance form and forward it to the unit grievance investigator (UGI). The Step 1 process may take up to 40 days from the date the unit grievance office receives the Step 1 form to respond. Disciplinary appeals are required to be completed within 30-days. If you are not satisfied with the Step 1 response, you may appeal the Step 1 decision by filing a Step 2 (I-128). You have 15 days from the date returned to offender on the Step 1 to submit the Step 2 to the grievance investigator on the unit. The Step 2 process may take up to 40 days to provide you a written response or 45 days for medical grievances. Present only one issue per grievance.*
3. *Additional time may be required in order to conduct an investigation at either Step 1 or Step 2 and in either case you will be notified of the extension in writing.*
4. *Complete your grievance using a typewriter or dark ink. If you need assistance filing a grievance or understanding a response, contact your unit grievance investigator.*
5. *The following issues are grievable through the Offender Grievance Procedure. Remember that you may only file a grievance on issues that PERSONALLY APPLY TO YOU unless you are reporting a sexual assault, sexual abuse, or sexual contact on behalf of another offender.*
  - \* The interpretation or application of TDCJ policies, rules, regulations, and procedures.
  - \* The actions of an employee or another offender, including denial of access to the grievance procedure.
  - \* Any reprisal against you for the good faith use of the grievance procedure or Access to Courts;
  - \* The loss or damage of authorized offender property possessed by persons in the physical custody of the Agency, for which the Agency or its employees, through negligence, are the proximate cause of any damage or loss.
  - \* Matters relating to conditions of care or supervision within the authority of the TDCJ, for which a remedy is available.
6. *You may not grieve:*
  - \* State or federal court decisions, laws and/or regulations;
  - \* Parole decisions;
  - \* Time-served credit disputes which should be directed to the Classification and Records, Time Section;
  - \* Matters for which other appeal mechanisms exist;
  - \* Any matter beyond the control of the agency to correct.
7. *Established criteria that may be applied to regular grievances, to ensure that the offender has used the grievance program responsibly; however, most grievances may be corrected and resubmitted within 15 days from the signature date on the returned grievance.*
  - \* Grievable time period has expired. (Step 1 grievances must be submitted within 15 days from the date of incident and Step 2 Appeals must be submitted within 15 days from the date returned to offender on the Step 1.)
  - \* Submission in excess of 1 every 7 days. (All grievances received in the grievance office will be reviewed, however, only one grievance will be processed every Seven days [with the exception of disciplinary appeals, medical grievances, and emergency grievances].)
  - \* Originals not submitted. (Carbon copies are not considered originals even if they have an original signature. The original answered Step 1 must be submitted with a Step 2 Appeal.)
  - \* Inappropriate/excessive attachments. (Your grievance must be stated on one form and in the space provided. Attach only official documents that support your claim, such as I-60's, sick call requests, property papers, and other similar items)
  - \* No documented attempt at informal resolution. (You are required to attempt to resolve issues with a staff member prior to filing a grievance. Remember, the attempt must be documented in the space provided on the I-127 form.)
  - \* No requested relief is stated. (The specific action required to resolve the complaint must be clearly stated in the space provided.)
  - \* Malicious use of vulgar, indecent, or physically threatening language directed at an individual.
  - \* The issue presented is not grievable. (Refer to #6 above.) Disciplinary appeals will not be processed until after the disciplinary hearing.
  - \* Redundant. (You may not repeatedly grieve matters already addressed in a previous grievance)
  - \* The text is illegible/incomprehensible. (Write your grievance so that it can be read and understood by anyone.)
  - \* Inappropriate. (You may not ask for monetary damages or any form of disciplinary action against staff.)

*Do not use a grievance form to comment on the effectiveness and credibility of the grievance procedure; instead, submit a letter or I-60 to the administrator of the Offender Grievance Program.*

Offender Grievance Operations Manual  
Appendix B  
Revised July 2016

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** Ornelas, Juan **TDCJ#** 1758617 **Date** 12/2/16 **Facility:** EA

**Sex:** Male

**Patient Language:** Name of interpreter, if required: no interpreter available

Seen this date at (time): 1245

S: Offender seen for Clinical Interview as referred by:  
 \_\_\_\_\_ Results of Intake and Transfer Mental Health Screening  
 \_\_\_\_\_ Results of the Intake Mental Health Appraisal  
 \_\_\_\_\_ Mental Health Sick Call/Referral Triage **Date received:**

☒ Staff Referral

☒ Reason-for-interview and limits of confidentiality were explained to the offender prior to the interview. Informed consent has been obtained and documented in this record.

Reason for referral/presenting problem (if SCR state problem on request): referral form security – pt. claims he is transgender.

Information from clinical interview: States in the free world he lived and thought of himself as a female. When he came to prison, he did not to protect himself. Pt. has been in prison for over 12 years, with no mention until this date of being transgender. Will make referral to further departments. No distress seen. Denied .shi.

**O: Mental Status Exam (may use decision tree)**  
**MENTAL STATUS EXAM**

Appearance  
 Age  
     Appears Stated Age  
 Stature  
     Average Height  
 Weight  
     Average Weight  
 Clothing  
     Clean, Neat  
 Grooming  
     Normal  
 Posture/Gait  
     Normal  
 Motor Activity  
     Unremarkable

Sensorium  
 Attention  
     Normal  
 Concentration  
     Normal  
 Orientation  
     Oriented X 4  
 Recall/Memory  
     Normal

I-60 Inmate Request To Official

To: Grievance Department Delores Washington  
Eastham Unit

Address: 2665 Prison Rd. #1  
Lovelady, Tx. 75851

Subject:

Requesting Grievance # for Step 1  
filed on: 1-5-2017

Thank you Delores Washington.

Name: Juan Javier Ornelas No: 01758617 Unit: Eastham

Living Quarters: C-2-12 Work Assignment: Ad. Seg

Carbon Copied: Date: 1-9-2017

Disposition:

There is no grievance on file for  
1-5-17.

EX: B-027



To: Grievance Department Delores Washington  
Eastham Unit

Address:

2665 Prison Rd. #1  
Lovelady, Tx. 75851

Subject:

Requesting Grievance # for Step 1  
filed on: 1-5-2017

Ms. Washington, I sent you this same request last week and you told me my Step 1 filed on: 1-5-17 was not received by your office. This is just a follow up to see if that step 1 found its way to your office.

Thank you Ms. Washington.

Name: Juan Javier Ornelas No: 01758617 Unit: Eastham

Living Quarters: C-2-12

Ad. Seg.

Carbon Copied: 1-18-17

Disposition:

This office has not received a go on 1-5-17

*J Holmes*

Case 6:08-cv-00006-ADA Document 54 Filed 05/06/19 Page 70 of 233

**SUBJECT:** State briefly the problem on which you desire assistance.

Ex: B-029

D. Washington / T. Hall

I really don't see how my grievances continuously go missing when I file them with your office.

I've dealt with this same issue before on Telford and Boyd Unit.

It's all good. I will get with your wardens here and your Director in Huntsville.

I don't see why you can't pick up grievances at my cell and give me a grievance # right then and there.

That would remedy this problem.

Name: Juan Javier Ornelas ID: 1758617 Unit: Eastham

Living Quarters: C-2-12 Work Assignment: Ad. Sec

**DISPOSITION:** (Inmate will not write in this space)

You grievance has to be read and then put in computer.



## Texas Department of Criminal Justice

STEP 1

OFFENDER  
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2017079154  
 Date Received: JAN 26 2017  
 Date Due: 03-07-17  
 Grievance Code: 008  
 Investigator ID #: I2474  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: \_\_\_\_\_

Offender Name: Juan Javier Omelas TDCJ # 0175867  
 Unit: Eastham Housing Assignment: E-2-12 (C-27)  
 Unit where incident occurred: Boyd Unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Boyd Units O.I.G. investigator When? Ongoing Issue  
 What was their response? No time to talk now, will talk to you later  
 What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Boyd Units O.I.G. investigator is purposely ignoring my reports /  
allegations' of sexual abuse. I have sent this individual  
several I-60's / letters reporting that I was sexually abused  
on Boyd Unit and requesting to speak with him. He continuously  
ignores my I-60's / letters and fails to investigate my reports,  
or refuses to do so. Boyd Units O.I.G. investigator is responsible  
for investigating all allegations of sexual abuse on Boyd Unit  
immediately. This is a failure to respond reasonably and  
according to the PREA Law and TDCJ's PREA / Safe Prison Plan.  
He not only refuses to do the required "minimum" such as  
interview me (the victim) and my victimizer, document the  
reports, ect', -he refuses to do anything at all. He is purposely  
ignoring me' and I dont know why. I have also reported  
this to: SCC on Telford Unit on 9-15-2016, MHMR on Telford  
Unit on 9-22-2016, UCC on Eastham Unit and MHMR on Eastham  
Unit, and I have filed several grievances on this issue  
(however all of my grievances on this issue keep on  
disappearing' and I dont know why). JAN 26 2017

Action Requested to resolve your Complaint.

Requesting that Boyd Units O.I.G investigator and TDCJ fully comply with the PREA Law.

Offender Signature: Juan Javier Carreón

Date: 1-21-2017

Grievance Response:

An investigation was done concerning your allegations. There are no records found by any auxiliary or department on the Boyd Unit concerning your claims of being sexually abused at anytime by another Offender while assigned to the Boyd Unit. An offender was found who fit the description of the alleged assailant but is no longer incarcerated in the Texas Department of Criminal Justice. However, it is the decision of the Office of the Inspector General to open a case for further investigation if needed. At this time there is no further action warranted.

Signature Authority:

Cynthia D. Alley

Date:

3-7-2017

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-127) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission** UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission** UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 02/08/2017 14:45 **Facility:** EASTHAM (EA)

☐ Mental Health Sick Call/Referral Triage **Date received:**  
☒ Staff Referral  
☒ Reason for interview and limits of confidentiality were explained to the offender prior to the  
☒ interview. Informed consent has been obtained and documented in this record.

Reason for referral/presenting problem (if SCR state problem on request):  
 Referral from security due to sexual assault in March of 2016.

Information from clinical interview: pt. reports he is depressed about being involved in sexual assault nearly a year ago. He will not describe the incident and there is no reference to it in his chart despite his report of discussing it with MH before. He reports to being depressed which he described as "down and out, not having any energy". No signs of depression or distress seen. He is not on the MH caseload. Will schedule for PAI testing for further evaluation. Denied s.hi.

O: Mental Status Exam (may use decision tree)  
 MENTAL STATUS EXAM

Appearance  
     Age  
         Appears Stated Age  
     Stature  
         Average Height  
     Weight  
         Average Weight  
     Clothing  
         Clean, Neat  
     Grooming  
         Normal  
     Posture/Gait  
         Normal  
     Motor Activity  
         Unremarkable  
 Sensorium  
     Attention  
         Normal  
     Concentration  
         Normal  
     Orientation  
         Oriented X 4  
     Recall/Memory  
         Normal  
 Relating  
     Eye Contact  
         Normal  
     Facial Expression  
         Happy

C212

SPPOM 05.05  
Attachment MTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISONS/PREA PROGRAM  
UCC Notification of OPI Outcome

Incident #

Offender Name

TDCJ #

This notification is to advise you of the Offender Protection Investigation outcome that was performed on your behalf under the above referenced Incident #. The UCC decision that was made is based on the preponderance of evidence contained within the investigative report and supporting documents. The UCC determined the investigation to be:

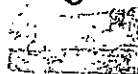
- ☐ **Substantiated** – Based on facts and evidence from the investigation, the incident was determined to have occurred.  
☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation
- ☐ **Unsubstantiated** – Evidence was insufficient to make a final determination that the incident may or may not have occurred.  
☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation
- ☒ **Unfounded** – Based on facts and evidence from the investigation, it was determined the incident did not occur.  
☐ Extortion ☒ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation

Robinson Gordon  
UCC Chairperson's Printed Name

UCC Chairperson's Signature

2/10/17  
Committee Date

Statements  
were put with  
investigations  
along with I-605







## State Counsel for Offenders

Texas Department of Criminal Justice

P.O. Box 4005

Huntsville, TX 77342-4005

(936) 437-5203

April 19, 2017

Mr. Juan Ornelas  
#1758617  
Estelle Unit  
264 FM 3478  
Huntsville, TX 77320-3320

Mr. Ornelas

I contacted prosecutor Cindy Garner and Ben Gardner of OIG regarding your documents. Mr. Gardner maintains that he has never come into possession of any documents from you or the law librarian.

I, of course remember you handing off the documents to the ranking officer. While Investigator Gardner has suggested that he might follow up on the issue, I believe your best course of action is to contact the law librarian yourself. Then again, remember that if an OIG investigation is still in progress, you might not receive your original copies until the investigation is concluded. It is also possible that the documents are in the possession of your local PREA representative.

I regret that I have so far been unable to track down your files. Please let me know if there is anything more I can do to assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Gastler", written over a horizontal line.

Andrew Gastler  
Staff Attorney  
State Counsel for Offenders

Ex:B-034



Texas Department of Criminal Justice  
OFFICE OF THE INSPECTOR GENERAL

CRIMINAL CASE  
OFFENDER - WRITTEN STATEMENT

STATEMENT OF X. Juan Javier Ornelas  
GIVEN THIS 28<sup>th</sup> DAY OF Feb, 2017 AT 1:50 O'CLOCK ☐ AM ☒ PM  
My name is X. Juan Javier Ornelas and I am currently incarcerated  
in the Eastman Unit Unit of the Texas Department of Criminal Justice.  
My Offender number is 0758617, and my Date of Birth is 10/13/82

I am freely and voluntarily making the following statement. I understand that I am not a suspect in a criminal case based on the subject matter of my statement. I further understand that I am not the subject of any Disciplinary Rules Violation case based upon the subject matter of my statement. I have not been forced or coerced into making this statement, further I have not been promised anything in return for making this statement. This statement is true and correct and voluntarily given. I first met James Brown at Bond Unit C wing. We has sexual relations at that time. Later I was moved to B wing. That's when I stopped feeling around with James Brown. I ended up getting caught on B wing with K2. To try to get out of trouble I made a deal with TDCJ officers and ass. The TDCJ officer that help set up the deal later on told inmates of the deal. At that time I had returned to B wing. That was in March of 2016. That's when James Brown started to pressure me into doing sexual favors for him in return for protection from inmates who wanted to kill me

Subscribed And Sworn To Before Me By:

X. Juan J. Ornelas  
Signature  
X. Juan Javier Ornelas  
Printed Name

On this the 28<sup>th</sup> day of Feb, 2017

Notary Public in and For The State of Texas

OR

Witness:

Signature

Police Officer's Signature

Printed Name

Printed Name, Rank, and ID Number

Page \_\_\_\_ of \_\_\_\_

## Office of the Inspector General

(Continuation)

Voluntary Statement of: \_\_\_\_\_

for giving info to the OIG. I gave him oral sex about 2x in the shower at R Wing and then later on he demanded anal sex x2. I didn't want this to happen especially not the anal sex. But when I told James Brown that I didn't want to do anal he got mad and punched me in the back of the head. I reported this to the OIG assigned to Boyd Unit at the time but he never responded. On 4/24/2016, James Brown physically attacked me and assaulted me and was given a case for it. About 2 weeks later I was placed on OPT status. At that time two emails and one letter was sent to the OIG assigned to Boyd Unit and still no reply. I do want to try to press charges on James Brown.

Subscribed And Sworn To Before Me By: \_\_\_\_\_

*Juan Javier Ornelas*  
Signature  
Juan Javier Ornelas  
Printed Name

On this the \_\_\_\_\_ day of \_\_\_\_\_

Notary Public In and For The State of Texas

OR

Witness: \_\_\_\_\_

Signature

Police Officer's Signature

Printed Name

Printed Name, Rank, and ID Number

Page \_\_\_\_\_ of \_\_\_\_\_

CC-0147 (07/2005)

LOCAL DISCIPLINARY REPORT AND HEARING RECORD  
 CASE#: 20170190/04 TDCJNO1758617 NAME: URMELAY, JOSH JAVIER ENT: 10.3  
 OFFICER: ASNB: L-2 JOB: SEC DET LEVEL 1 ID: 096  
 CLASS: L3 CUSTY: 1A PRIMARY LANGUAGE: ENGLISH LMAA RESTRICTIONS: NONE  
 GND: MR / BN OFF. DATE: 02/28/17 12:30 PM LOCATION: EA MISCELLANEOUS  
 TYPE: 10

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT EA AD-SEC OFFICE, OFFENDER: URMELAY, JOSH JAVIER, (DET-11 NO. 01/20617), DID MAKE A FALSE STATEMENT TO OFFICER C. HAYNES, AD-SEC PRISONING OFFICER DURING AN OFFICIAL INVESTIGATION, SPECIFICALLY, DECEITING HE WAS SEXUALLY ASSAULTED BY A MALE OFFENDER (JAMES BROWN) BETWEEN MARCH 1987 AND EARLY APRIL 2018, BUT COULD/WOULD ONLY IDENTIFY AS OFFENDER BROWN AS A BLACK MALE AGE 29 OR 30, KNOWING AT THE TIME SUCH STATEMENT WAS FALSE, CHARGING OFFICER: HAYNES, C. L. H. SHIFT/LARD: 1 H.

DEPORTED NOTIFICATION IF AAD LEASES INTERPRETER, (INTERPRETER NOTIFIED) (YES) (NO) (DATE) (TIME) (LOCATION) (CS)  
 YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES / NO, HOW DO YOU PLEAD? GUILTY / NOT GUILTY.

OFFENDER NOTIFICATION SIGNATURE: [Signature] DATE: 3/1/17  
 BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.  
 OFFENDER GIVEN SIGNATURE: [Signature] DATE: 3/1/17

## HEARING INFORMATION

HEARING DATE: TIME: (MO) FOLDER FILE DS FILE  
 COUNSEL SUBSTITUTE AT HEARING: FOLDER FILE DS FILE  
 EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING, (6) IF DEFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING, (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEKENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED.  
 (SIGNATURE)

## OFFENDER STATEMENT

## OFFENSE ADDRESS

OFFENDER PLEA: (S, NS, NONE) [Blank]  
 FINDINGS: (S, NS, DS) [Blank]

REASONED AND MINORITARIAN TO GUILTY? (YES/NO) HEARING BY CRYSTINE  
 IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILTY: ADMISSION OF GUILTY, B. OFFICER'S REPORT, C. WITNESS TESTIMONY, D. OTHER, EXPLAIN IN DETAIL.

## PUNISHMENT

LOSS OF PRIVACY (DAYS) REPRIMAND (DAYS) SOLITARY (DAYS)  
 CREATION (DAYS) EXTRA 100 HOURS REMAIN LINE 3  
 ADMISSORY (DAYS) DONT WISET SUBP. THRU REDUC CLASS FROM  
 APPROPRIATE (DAYS) CELL REST (DAYS) GOOD TIME LOST (DAYS)  
 1-10 (DAYS) SPECIAL CELL RESTRICTIONS DAMAGES/FORFEIT.  
 SPECIFIC FACTUAL REASONS FOR PARTICULAR PUNISHMENT IMPOSED:

CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) NO / NS  
 DATE PLACED IN PRE-HEARING DETENTION: HEARING LENGTH: (MINUTES)  
 OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT:

HEARING OFFICER (CRONY) WARDEN REVIEWER SIGNATURE  
 FORM 1-A (CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM)  
 FORM 1-A (CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM)

EX-B-037



two years. Information regarding not guilty findings shall only be used for legal or grievance issues.

#### IV. Major Disciplinary Hearing: Procedures Before the Hearing

##### A. Notice of Charges

1. Offenders shall be served with notice of disciplinary charges by a counsel substitute at least 24 hours prior to the hearing and within 30 days of discovery of the alleged violation. The hearing shall be classified as major prior to notice being served, or the accused offender shall be given 24 hours from the time the offender is notified that the hearing is classified as major until the hearing is conducted.
2. Notice after 30 days shall be allowed only if unforeseen circumstances arise, such as the offender is temporarily transferred to another unit, and the warden's written approval, including the reasons for the delay, is obtained before the offender is served with notice.
3. Offenders may not be subject to any form of coercion designed to persuade them to waive the right to 24-hour notice. If offenders are offered the opportunity to waive 24-hour notice, they shall be fully informed, in terms intelligible to them, of the nature of the rights at stake. The DHO shall record on the recording of the hearing an offender's decision to waive the right to 24-hour notice.
4. An offender accused of disciplinary charges may waive attending the disciplinary hearing. At the time of notice of charges, the offender shall be asked if the offender wishes to attend the hearing. The offender's decision (yes or no) shall be documented on the Disciplinary Report and Hearing Record. If the offender elects not to attend the hearing, the offender shall be asked for a plea, and then advised that if the offender later decides to attend the hearing, the offender shall submit a written request to the DHO before the hearing is held. The DHO shall review the offender's decision to waive attending the hearing, conduct the hearing in the offender's absence, and document the absence on the report by writing: "Offender waived attending the hearing."
5. Notice of the charges shall include a copy of the Disciplinary Report. Items of information which, if disclosed to the accused offender, would seriously jeopardize the safety of other offenders shall not be provided to the accused offender.
6. At the time an offender is served with notice pursuant to a major disciplinary hearing, the offender shall be informed of the right to present documentary evidence and to request witnesses. The offender shall be informed that a counsel substitute will be assigned unless the offender waives representation. The offender's decision shall be noted on the Service/Investigation Worksheet, along with the names of the witnesses requested, and the information shall be given to the DHO. However, either the offender or the counsel substitute may

inform the DHO at any time prior to and at the hearing of any changes to the list of witnesses requested. Offenders who are not assigned counsel substitutes shall be allowed to communicate directly with a reasonable number of potential witnesses in advance of the hearing.

7. The investigation report shall be attached to the disciplinary report and submitted to the DHO.
8. An offender who successfully appealed a disciplinary conviction may be served with notice of a rehearing, if at the initial hearing the offender was served with notice of charges timely and was given a timely disciplinary hearing. A rehearing may not be conducted on an overturned conviction for which an offender did not receive either notice of charges or a disciplinary hearing within the established time limits. The 30-day time limit for serving the offender with notice begins on the date of the decision granting the appeal. After notice has been served, the rehearing shall be held in accordance with established time limits.

#### B. Counsel Substitutes

1. Assignment - Counsel substitutes are non-uniformed employees who represent offenders in disciplinary hearings by advocating on behalf of the offender and keep related records. Offenders shall be provided with counsel substitutes prior to a major hearing when any of the following are met. This requirement does not apply to state jail offender disciplinary hearings, except when state jail offenders are brought before major hearings for assessment of monetary damages for destruction of state property.
  - a. When the offender is developmentally disabled as defined in the *Developmentally Disabled Plan*, for example has a WAIS-R full scale IQ of 73 or below, a Vineland Score equivalent to an IQ of 73 or below, and a social history indicative of retardation. Additionally, a counsel substitute shall be assigned when the offender's mental ability to understand and respond to disciplinary charges and proceedings is questionable, even though the offender is not developmentally disabled as defined in the *Developmentally Disabled Plan*.
  - b. When the offender is assigned to a psychiatric inpatient facility or has been placed on an outpatient psychiatric caseload.
  - c. When the offender's literacy or understanding of English is questionable. A counsel substitute shall be assigned in every case in which the offender's Educational Achievement score is below 5.0 on reading.
  - d. When the offender, because of the complexity of the issue, shall be unlikely to be able to collect and present the evidence necessary for an adequate comprehension of the case.



O.I.G. Eastham Unit (2-28-2017)

RE: Juan Javier Ornelas TDCJ # 01758617

Sir' here is James Brown's TDCJ # 01981212

If I may' I would like to express that I did my best to report this matter a long time ago sir'. Its not my fault that I was repeatedly ignored. I reported everything to O.I.G. Alexander Hamilton in April and May of 2016 and then to SCC on Telford Unit in September of 2016. But they ignored me. So' I went on a hunger strike. Still I was ignored.

When I came to Eastham Unit in November of 2016' I reported everything again to MHMR and UCC. Still I was ignored. All of this is documented sir'. Finally' after I filed 2 grievances on this' an investigation was started by L. Haynes here on Eastham. She now claims that I lied about everything and wrote me a disciplinary case. If my earlier reports were responded to according to the PREA Law' there might have been enough evidence to convict James Brown back then. But instead' now I am being given a disciplinary case because L. Haynes claims that I cant prove the sexual abuse that I reported. All I ever wanted was TDCJ to protect me and place me in safe keeping. But they dont seem to want to do that. I dont understand any of this sir'. None the less' I do appreciate whatever you can do to help me. Thank you and God Bless you.

Ex: B-039

Offender Name: Ornelas, Juan

CJ #: 1758617

## Section XIII Continuation Page (use only as needed)

## Information Provided By

Susan Steel

USPPM / CO V

Printed Name of Staff or Offender

Rank/Title or TDCJ #

## Additional Information or Comments

Continuation from OPI Page #: 4 Section #: X Page 1 of 2

A review of the UCR 22 screen (Prior Disciplinary Record) showed Offender Brown did received a disciplinary offense on 4-24-16 for 2.21.0 - Fighting Without a Weapon against Offender Ornelas. It was also discovered that Offender Brown departed the Boyd Unit on 5-6-16 enroute to Hutchins State Jail to be discharged 5-13-16. Further it was discovered that Offender Ornelas filed the OPI against Offender Brown on 5-16-16, ten (10) days after Offender Brown departed the Boyd Unit and twenty two (22) days after the assault.

Offender Ornelas was interviewed by Officer Steel, USPPM in the Ad Seg Office on 3-2-17 at 9:15 am and was asked why did he not provide all the information on the previous OPI and why did he not report the incident when he filed his OPI on the Boyd Unit on 5-16-16. Offender Ornelas stated "He did not feel comfortable talking to anyone and he did not trust anyone". Offender Ornelas also stated that he sent two (2) I-60's to Alexander Hamilton, OIG at the Boyd Unit but never received a response from him, he also stated he reported it to SCC in September of 2016 at the Telford Unit when he was transferred. Offender Ornelas stated that Officer Boykin, STGO Sgt. at the Boyd Unit had sent him two emails and then was told to write him at the Coffield Unit but never received a response. Offender Ornelas also stated to Officer Steel that he had provided a statement to Mr. Gardner, OIG - Eastham Unit on 2-28-16. Offender Ornelas was given the page 2 of the Offender Protection Investigation to complete. Photo's of Offender Ornelas was taken at 9:50 am and was escorted to medical at 9:55 am. Duty Warden Vaughn was notified at 9:55 am, Ben Gardner, OIG was notified at 10:15 am and Stacy Salle of Emergency Action Center was notified at 10:59 am and stated due to Offender Ornelas' allegations being the same but only providing additional information, use the same EAC #I-02319-02-17 but complete an update on the EAC.

On February 8, 2017, Officer Haynes contacted STG Sgt Boykin in reference to Offender Ornelas' allegations and obtained a witness statement from him. Sgt. Boykin's statement is as follows: Offender Ornelas, Juan #1758617 was assigned to the Boyd Unit for the time period beginning 7-17-15 and ending 6-10-2016. Offender Ornelas is an Ex-Mexican Mafia member having completed the GRAD program. Offender was found with K2 on 3-22-2016. Due to being unable to test the substance the offender was charged with Possession of Contraban. He was later found again with a substantial amount of K2 and charged with a Code 12.0 on 4-21-2016. I had several conversations with the offender during this time as he claimed he wanted to provide information regarding the K2 being introduced into the unit. I arranged for the offender to speak with an OIG Investigator from the Coffield Unit. During the numerous interviews, Offender Ornelas told me he was afraid of getting transferred from the Boyd Unit due to his sexual orientation (claimed he was gay). He stated he knew on a large unit he would have problems because he used to be MM. Offender Ornelas at no time ever indicated or stated that he had been sexually assaulted on the Boyd Unit to me. Offender Ornelas was found in possession of a weapon on 5-20-2016 and was subsequently placed in Administrative Segregation and transferred from the unit. This statement is the extent of my knowledge regarding Offender Ornelas while he was assigned to the Boyd Unit. (See attached)

On March 2, 2016 at 10:15 am, I, Officer Steel interviewed Mr. Gardner, OIG in reference to Offender Ornelas. Mr. Gardner stated that Offender Ornelas was interviewed on 2-28-17 at 1:50 pm and provided a written statement regarding sexual allegations on James Brown while assigned to the Boyd Unit. Mr. Gardner stated that this information was referred to Mr. Lee Duran, OIG at the Boyd Unit and Case #170000248 had been issued. Mr. Gardner also provided a copy of Offender Ornelas' written statement to OIG. Offender Ornelas' written statement to OIG states: "I first met James Brown at Boyd Unit C Wing. We had sexual relations at that time. Later I was moved to B Wing. That's when I stopped fooling around with James Brown. I ended up getting caught on B Wing with K2. To try to get out of trouble I made a deal with TDCJ Officers and OIG. The TDCJ Officer that help set up the deal "later on" told inmates of the deal. At that time I had returned to B Wing. That was in March of 2016. That's when James Brown started to pressure me into doing sexual favors or him in return for protection from inmates who wanted to kill me for giving info to the OIG. I gave him oral sex about 3X in the shower at B Wing and then later on he demanded anal sex x2. I didn't want this to happen especially not the anal sex. But when I told James Brown that I didn't want to do anal he got mad and punched me in the back of the head. I reported this to the OIG assigned to Boyd Unit at the time but he never responded. On 4-24-2016 James Brown physically attacked me and assaulted me and was given a case for it. About 2 weeks later I was placed on OPI status. At that time two emails and one letter was sent to the OIG assigned to the Boyd Unit and still no reply. I do want to try to press charges on James Brown". (See attached)

Staff or Offender Signature

March 2, 2017

Date

**Correctional Managed Care  
Urgent / Emergent Care Record**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 03/02/2017 12:40 **Facility:** EASTHAM (EA)

x	R		L	x	Use of accessory muscles	Last BM:		Mottled		R	L	Flaccid						
<b>Bleeding</b>						<b>Abdomen</b>			Cyanotic	<b>Leg Strength</b>								
x	None				<b>Lungs</b>			Soft	Jaundiced	x	R	L	x	Normal				
	Controlled				x	R	L	x	Firm	Flushed		R	L		Weak			
	Excessive					R	L		Distended	Intact		R	L		Flaccid			
Location:						R	L		Obese	Ortho	x	N/A	<b>Pupils</b>					
Est. Blood Loss						R	L		Tender	Deformity	x	Equal						
cc:						R	L		Location:	Swelling		Unequal						
<b>Capillary Refill</b>					<b>GU</b>	x	N/A		Rebound	Location	x	R	L	x	Reactive			
x	Normal				Burning			<b>Bowel Sounds</b>			<b>ROM</b>			R	L		Nonreactive	
	Delayed				Frequency			Normoactive			x	Full		R	L		Dilated	
<b>Edema</b>					Urine Odor			Hyperactive			Limited				R	L		Constricted
Upper					Hematuria			Hypoactive			Absent				R	L		Fixed
0 1+ 2+ 3+					Incontinent			Absent										
	R		L		Anuric			NG/G tube			Name			Time				
Lower					Vag. Discharge			Initial Assessment			s. martin LVN			10:05				
0 1+ 2+ 3+					Vag. Bleeding			Completed By:										
	R		L		Catheter													

**\*\*Contact Provider\*\***

Name of Provider Notified:	DR. Hall MD	Time:	
Provider Orders:	Referrer to Mental Health and OIG ,		
Orders obtained and read back/verified by: (Name)		S. Martin LVN	

Time	Nursing Notes	Initials
10:00	Pt. was brought in clinic by security due to had given more info on an sexual assault that happen to him 3-16. Pt. has seen mental health on 2-8-17 due to security brought pt. to them due to claiming he was sexual assaulted back in 3-16. Had no record of the assault taking place until 2-8-17. Pt. was not seen by medical for assault until 3-2-17. Pt. has seen medical many times and no mention of being assaulted until now. Pt. denying any mental issues.	

**Details of abnormal findings and ongoing assessment and care.**

**VITAL SIGNS**

Informal Resolution App?	
Accusing Officer	Y <input checked="" type="checkbox"/> N
Supervisor	Y <input checked="" type="checkbox"/> N

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

## OFFENSE REPORT

20170207590

Case No.	
Interpreter Required?	Y <input checked="" type="checkbox"/> N
MHMR Rest?	Y <input checked="" type="checkbox"/> N
PHD	Y <input checked="" type="checkbox"/> N

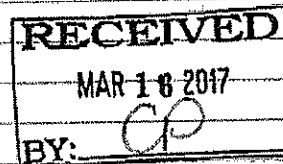
(1) TDCJ- No: 1758617 (2) Offender: Ornelas, Juan J. (3) Unit: EA  
 (Last Name, First)  
 (4) Housing Assign: C-2-12 (5) Job Assignment: Sec det level I  
 (6) Offense Level, Code Title: Level 2 Code 20.3-Engaging in Consensual Acts w/ others  
 OFFENSE DESCRIPTION: On 3/6/17 at 10:15 AM/PM, and at OLG Office  
 (7) date (8) time (9) Enter Specific Location

Offender Ornelas, Juan J. TDCJ No. 1758617  
 did engage in a consensual sexual act with James Brown # [REDACTED] by engaging in homosexual conduct, by self admission in a written statement.

## (10) Additional Information:

On the date & time listed above, Offender Ornelas, Juan J. #1758617 did engage in a consensual sexual act with James Brown # [REDACTED] by self admission in a written statement. (See Attached Statement)

Said offender was identified by his TDCJ ID Card.



(Continue on an additional sheet if necessary)

(11) Witnesses: n/a  
 (12) Accusing Officer/Employee Printed Name/Rank J. Steel, USPPM  
 (13) Signature: [Signature] (14) Shift/Card 1/H (15) Date 3/6/17 (16) Time 8:00 AM  
 (17) Approving Supervisor's Printed Name J. Harrington (18) Date 3/6/17  
 (19) Grading Official (Print) [Signature] (20) Rank Sgt (21) Date MAR 16 2017  
 (22) Grade: (Circle One) IR UP MA (23) Justification to override Informal Resolution:



TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PRELIMINARY INVESTIGATION REPORT

This report is to be completed on each Offense Report for review by the grading official. The purpose of this report is to obtain any other pertinent information about the incident prior to grading the Offense Report. The Preliminary Investigation should not be completed by the charging officer or a person involved in the incident.

Offender, Ornelas, JuanTDCJ No. 1758617Date & Time Investigation started: 3/6/17 1155 AM

1. ELEMENTS OF CHARGE. Does the offense description support the elements of each charge (the things that had to be done in order to commit an offense). If "no," have charging officer add needed information.

Offense Code 20.3: Yes ☒ No ☐      Offense Code \_\_\_\_\_: Yes ☐ No ☐  
Offense Code \_\_\_\_\_: Yes ☐ No ☐      Offense Code \_\_\_\_\_: Yes ☐ No ☐

2. ADDITIONAL INFORMATION. Has the charging officer included supporting information or evidence to supplement the standardized pleading such as items listed below? (Write "Yes", "No", or "NA" [not applicable] by each item)

NO a. listing other witnesses to the incident,  
yes b. documentary evidence, e.g., photographs of contraband, etc.  
yes c. additional information about the offense.

3. ACCUSED OFFENDER STATES THAT: (Printed and signed interpreter's name if applicable)

Not Guilty

4. ACCUSING OFFICER states that said offender did engage in a consensual act with another

5. WITNESS STATEMENTS (List employee or offender name and attach statements to report)

NONE

6. DOCUMENTATION. Documents reviewed (lay-ins, appointments, medical records, etc)  
[ ] lay-ins, [ ] Roster, [ ] Medical Records, [ ] Picture, [ ] Other (List & attach to report)

see attached CC-0147J. Herrington

Name of Investigating Officer (Print)

Sgt

Rank

3/6/17 1200 PM

Date &amp; Time Investigation Completed

7. INFORMAL RESOLUTION was not appropriate or not possible because:

engaging in consensual acts with others will not be toleratedJ. Herrington

Approving Supervisor's Printed Name

Sgt

Rank

3/6/17

Date

CSDBP000  
EA - 2742

T.D.L.J.  
SERVICE INVESTIGATION WORK SHEET

2017/03/16  
08:34:30

CASE#: 20170207590, TDCJ # 01758617, NAME: DARNELAS, JOAN JAVIER

3. THE ACCUSED REASONS AND/OR DEFENSES HAVE BEEN LOGICALLY AND SYSTEMATICALLY INVESTIGATED AS FOLLOWS:

- A. 3-16-17, REVIEWED CASE  
A. 3-16-17, INTERVIEWED ACCUSED  
C. NAME OF INTERPRETER USED: NA

D) contacted AO

E) reviewed documents

F) obtained C801

7

3-24-17, Invest Termn., CONCLUDE INVESTIGATION

4. ON 3-16-17, THE ACCUSED OFFENDER PRESENTED NON-FRIVOLOUS EVIDENCE, THE CHARGING OFFICER/STAFF WITNESS WAS PRESENTED WITH A SUMMARY OF THE ACCUSED STATEMENT, ADDITIONAL STATEMENT IS AS FOLLOWS:

During a investigation D admitted to having  
consensual sex acts with offender Brown and  
a opi was conducted

5. LIST THE PORTIONS OF THE INVESTIGATION THAT APPEAR TO SUPPORT THE CHARGES MADE AGAINST THE ACCUSED:

1-210

AO Stmt

documents

6. LIST THE PORTIONS OF THE INVESTIGATION THAT APPEAR TO SUPPORT THE ACCUSED REASONS, AND/OR DEFENSES:

D Stmt

COUNSEL SUBSTITUTE PRINTED NAME: A Walker

TITLE: C81

COUNSEL SUBSTITUTE SIGNATURE: A Walker

DATE: 3-24-17

CS-10.11A

REVISED 08/2005



CSDSP040  
EA - 2742I.D.C.J.  
HEARING WORK SHEET2017/03/16  
08:54:30

CASE#: 20170207590, IDCI # 01758617, NAME: ORNELAS, JOAN JAVIER  
 CURRENT UNIT: EA, HOUSING: C-2 07 A, CLASS: L3, CUSTODY: 1A, TYPE: S,  
 OFFENSE DATE: 030217, TIME: 10 : 15 AM, LOCATION: EA MIS MISCELLANEOUS  
 CHARGING OFFICER: STEEL, S. USPPM SHIFT/CARD: 1/H,  
 OFFENSE CODES: A) 20 . 3, B) . , C) . , D) . ,  
 DESCRIPTORS: A) SM , B) , C) , D) ,  
 PLEA: A) , B) , C) , D) ,  
 FINDING: A) , B) , C) , D) ,  
 DRU: RC, CS: 4-18-17/11:05AM SERVICE DATE: 3-10-17  
 HEARING DATE/TIME: 4-18-17/11:05AM WAIVE 24 HRS YES NO SERVICE TIME: 9:10am

A. ACCUSED OFFENDER'S STATEMENT AT HEARING:

A Absent

B. CHARGING OFFICER'S STATEMENT:

Not Called

C. CROSS EXAMINATION/QUESTIONS:

N/A

D. HEARING NOTES:

1) A Absent 2) Transfer case from EA  
 3) Denied No written statement evidence  
 4) No extend 10/1 CSO9's objection

WITNESSES: None

DOCUMENTARY EVIDENCE:

documents, CSO9

E. OBJECTIONS: YES ☒ NO ☐ IF YES, EXPLAIN:

A Absent

findings  
Guilty

F. SUMMATION/MITIGATION

cooperative  
defendant

no court 20.3 x 180 days

OFFENDER ORNELAS, JOAN JAV WOULD YOU LIKE TO SAY ANYTHING ELSE? YES ☐ NO ☒

Not present

CS CHECK LIST:

YES NO N/A

OFFENDER PRESENT

☒ ☐ ☐

CS-14

☒ ☐ ☐

INTERPRETER USED

☐ ☐ ☒

INTERPRETER'S NAME

na

SANCTIONS ASSESSED:

LOSS OF PRIV. ☐ REPRIMAND ☐RECREATION ☐ EXTRA DUTY ☐COMMISSARY ☒ CONT. VISIT THRU ☐PROPERTY ☐ CELL REST ☐OIS ☐ SPECIAL CELL ☐

CS-12

NON-FRIVOLOUS EVIDENCE

CROSS EXAMINATIONS

CREDIT (PHD)

MODIFICATION

APPEALABLE

DRUG TEST DISCLAIMER READ

SOLITARY

REMAIN L 3

REDUC CLASS FROM ☐ TO ☐

GOOD TIME LOSS

DAMAGES \$ ☐

REVISED 05/2014

Texas Department of Criminal Justice  
INSTITUTIONAL DIVISION

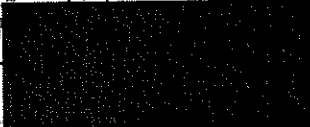
Inter - Office Communications

To: DISCIPLINARY HEARING OFFICERDate: 3.24.17From: Auxiler CSSubject: WITNESS STATEMENT

TIME: 12:25 pm  
 OFFICER: Johnson B.  
 INMATE:/OFFENDER: —

CASE# 20170207890  
 RANK: Warden SHIFT/CARD ASSGN: 1-1+  
 TDCJ# — HOUSING ASSIGN: —

## STATEMENT OF FACTS BY WITNESS:

~~give any information~~ during the investigation the ~~Δ~~ ~~did not~~  
 admit in a written  
 stmt. to have engaged in a consensual  
 act. with Jame Brown. # 

LSDSP040

I.D.U.A.

2017/05/16

EA - 2742

## SERVICE INVESTIGATION WORK SHEET

08:34:20

CASE#: 2017020/590, TDCJ # 01750617, NAME: ORNELAS, JUAN JAVIER  
 CURRENT UNIT: EA, HOUSING: C-2 0/ B, CLASS: L3, CUSTODY: 1A, TYPE: S,  
 OFFENSE DATE: 030217, TIME: 10 : 15 AM, LOCATION: EA MIS MISCELLANEOUS  
 CHARGING OFFICER: STEEL, S. USPPM SHIFT/CARD: 1/H,  
 OFFENSE CODES: A) 20 . 3, B) 1, C) 1, D) 1,  
 DESCRIPTORS: A) 5M, B) 1, C) 1, D) 1,  
 PLEN: A) 1, B) 1, C) 1, D) 1,  
 CLEAR RCVD: 031617, SERVICE LAPSE DATE: 040117, SERVICE DATE: 3-16-17  
 CS ASSIGNED: auditer CS, SERVICE TIME: 9:10am

COUNSEL SUBSTITUTE HAS BEEN APPOINTED BECAUSE:

- ☒ A. ACCUSED IN ANY FORM OF SEGREGATION ad seg  
 B. EA BELOW 5.0 TO BELOW 73  
 C. LITERACY IS QUESTIONABLE  
 D. ACCUSED HAS DIFFICULTY UNDERSTANDING ENGLISH  
 E. ACCUSED HAS REQUESTED COUNSEL SUBSTITUTE  
 F. ACCUSED HAS REQUESTED WITNESS WHO CAN NOT ATTEND THE HEARING  
☒ G. COMPLEXITY OF CASE WARRANTS COUNSEL SUBSTITUTE

- A. OFFICER'S REPORT CLEARLY DESCRIBES THE INCIDENT IN QUESTION: YES ☒ NO ☐  
 B. CHARGES LISTED WERE REVIEWED WITH REFERENCE TO TDCJ DISCIPLINARY RULES AND PROCEDURES: YES ☒ NO ☐  
 C. OFFENSE DESCRIPTION IN REPORT SUBSTANTIATES EACH OF THE ALLEGED OFFENSES WERE VIOLATED: YES ☒ NO ☐  
 IF NO, EXPLAIN: na

## 1. THE ACCUSED WAS INFORMED OF THE FOLLOWING RIGHTS:

- |   | YES                                 | NO                       |
|---|-------------------------------------|--------------------------|
| A. TO CALL AND QUESTION WITNESSES                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| B. TO PRESENT DOCUMENTARY EVIDENCE                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| C. TO BE REPRESENTED BY COUNSEL SUBSTITUTE                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| D. TO CALL AND QUESTION THE CHARGING OFFICER AT THE HEARING         | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| E. THE ACCUSED STATES HE/SHE UNDERSTANDS REPORT, CHARGES AND RIGHTS | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| F. THE ACCUSED STATES HE/SHE WISHES TO ATTEND HIS/HER HEARING       | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## 2. THE ACCUSED REASONS AND/OR DEFENSE:

see attached

A. REQUESTED WITNESSES: see attached

B. REQUESTED DOCUMENTARY EVIDENCE: none

TDCJ DISCIPLINARY REPORT AND HEARING RECORD  
 CASE: ~~20170207590~~ TDCJNO: 01758617 NAME: ORNELAS, JUAN JAVIER EAT 10.3  
 UNIT: EA HSNB: ~~2~~ 6210 JOB: SEC DET LEVEL I 10:096  
 CLSS: L3 CUST: 1A PRIMARY LANGUAGE: ENGLISH LMHA RESTRICTIONS: NONE  
 GRDE: MA / BN OFF. DATE: 03/02/17 10:15 AM LOCATION: EA MISCELLANEOUS  
 TYPE: 1D

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT EA OIG OFFICE, OFFENDER: ORNELAS, JUAN JAVIER, TDCJ-ID NO. 01758617, DID ENGAGE IN A CONSENSUAL ACT WITH JAMES BROWN #1981212, BY ENGAGING IN HOMOSEXUAL CONDUCT, BY SELF ADMISSION IN A WRITTEN STATEMENT.

CHARGING OFFICER: STEEL, S. USPPM

SHIFT/CARD: 1 H

TIME/DATE NOTIFIED: 9:10am 3-16-17 OFFENDER NOTIFICATION IF APPLICABLE INTERPRETER, BY: (PRINT) awaller CS

YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: [Signature] DATE: 3-16-17

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: [Signature] DATE: 3-16-17

## HEARING INFORMATION

HEARING DATE: 4-10-17 TIME: 1:05 UNIT: E2 FOLDER: D FILE: 103 DSFILE: 241882

COUNSEL SUBSTITUTE AT HEARING: Smith FOLDER: FILE DSFILE: FILE

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED:

(SIGNATURE) transfer case from Ea

OFFENDER STATEMENT: NO STATE

OFFENSE CODES: 20.3

OFFENDER PLEA: (G, NG, NONE) NA

FINDINGS: (G, NG, DS) NA

REDUCED TO MINOR (PRIOR TO DOCKET) NO (DOCKET) NO (HEARING) NO BY: (INITIAL) NA

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER.

EXPLAIN IN DETAIL: B officer's report D written statement & written statement by the offender

## PUNISHMENT

LOSS OF PRIV (DAYS) 0 REPRIMAND..... 0 SOLITARY (DAYS)..... 0

\* RECREATION (DAYS) 0 EXTRA DUTY (HOURS)..... 0 REMAIN LINE 3..... 0

\* COMMISSARY (DAYS) 45 CONT. VISIT SUSP. THRU 0 / 0 REDUC. CLASS FROM 0 TO 0

\* PROPERTY (DAYS) 0 CELL RESTR (DAYS)..... 15 GOOD TIME LOST (DAYS)..... 0

\* OTS (DAYS) 0 SPECIAL CELL RESTR (DAYS)..... 0 DAMAGES/FORFEIT. \$ 0

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This type of behavior will not be tolerated.

CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) NO / NA

DATE PLACED IN PRE-HEARING DETENTION: NA HEARING LENGTH 3.54 (MINUTES)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: [Signature]

HEARING OFFICER (PRINT) Warden REVIEWER SIGNATURE [Signature]

(FORM 1-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

(REV. 04-10) COMUNIQUESE CON SU CONSEJERO SUSTITUTO SI NO ENTIENDE ESTE FORMULARIO

EX-048

SUBJECT: State briefly the problem on which you desire assistance.

Dear Ms. Klock

I was told to send you an I-60 and request for you to sign me up for the Mental Health Therapeutic Diversion Program.

I would really like to participate in this program because I want to receive all the help that I can get to remedy my depression. I am really desperate for help right now. Every day my depression worsens. You told me that I need to find something to do so I did. I found this MHTDP and I really want to do it.

Name: Juan Javier Ornelas

No: 01758617

Unit: Eastham

Living Quarters: ~~C-2-7~~ G-2-10

Work Assignment: Ad. Seg

DISPOSITION: (Inmate will not write in this space)

RECEIVED MAR 17 2017

SCANNED

☆ 60 (Rev. 11-90)

Ex:B-049





Texas Department of Criminal Justice  
**STEP 2** **OFFENDER**  
**GRIEVANCE FORM**

## OFFICE USE ONLY

Grievance #: 0017079154  
 UGI Recd Date: MAR 21 2017  
 HQ Recd Date: MAR 23 2017  
 Date Due: 4-30  
 Grievance Code: 008  
 Investigator ID#: \_\_\_\_\_  
 Extension Date: \_\_\_\_\_

Offender Name: Juan Javier Ornelas TDCJ # 0158617  
 Unit: Eastham Housing Assignment: C-2-7  
 Unit where incident occurred: Boyd Unit

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Alexander Hamilton, a former O.C.S. inspector who was assigned to Boyd Unit in 2016, acted with a reckless disregard of my right to be free from sexual and physical assaults by another offender (James Brown TDCJ # 01981212) and refused to fully comply with the PREA Law and TDCJ's Safe Prisons / PREA Plan. His actions caused me to be repeatedly sexually and physically abused/assaulted, which caused me serious physical and mental injury, pain and suffering and violated my rights under the Eighth Amendment to the United States Constitution. Copies of X-60's sent to Alexander Hamilton requesting his assistance in April of 2016 were given to L. Haynes of Eastham Unit on 3/8/17. Alexander Hamilton was fired for (according to an investigator) some sort of sexual misconduct with a TDCJ staff member. I reported this issue to SCC on Telford Unit on 9/15/16 to: Warden Townsend, Case Manager Karen Norris and SCC member (Y.B.) who also refused to comply with the PREA Law and TDCJ's Safe Prisons / PREA Plan. Their actions caused a delay in the investigation into this issue and also a delay in my medical and mental treatment which caused me unnecessary serious physical and mental injury, pain and suffering that violated my rights. Other TDCJ Telford Unit employees who witnessed this illegal action and failed to correct that misconduct and encouraged the continuation of the misconduct and also refused to fully comply with the PREA Law and TDCJ's Safe Prisons / PREA Plan are the following: MHMR Manager, Lt. Clark, R. Walter, Fazio, and B. Howard. These

I-128 Front (Revised 11-2010)

FOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G

# COPY

EX: B-050



individuals also violated my rights by causing me pain, suffering, physical injury and emotional distress. Documentary evidence supporting these facts were given to S. Steel of Eastham Unit on 3/2/17 (I-go to MHMR of Telford Unit XSEE ALSO: Grievance #2017008169XSEE ALSO: SCC file: written statement on 9/15/16) L. Haynes and S. Steel of Eastham Unit then retaliated against me for reporting all of this with meritless disciplinary cases - violating my rights by causing me pain, suffering, physical and mental injury.

Offender Signature:

Date: 3/19/17

Grievance Response:

Your allegation of this incident has been forwarded to the Office of the Inspector General. Based on their review of your grievance, they have assigned OIG case #1700002448.

Signature Authority:

C. MARTINEZ

Date:

APR 05 2017

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted.\*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☒ 6. Inappropriate.\*

CGO Staff Signature:

## OFFICE USE ONLY

Initial Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

COPY

Appendix G

EX-B-051

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 03/24/2017 13:34**Facility:** EASTHAM (EA)  
Information from clinical interview: pt. reports he is upset over "some bogus cases from those two in Safe Prisons". Allowed him to vent his frustrations. Discussed stress management skills. he declined needing anger management counseling. No distress noted. Denied s.hi.

O: Mental Status Exam (may use decision tree)  
MENTAL STATUS EXAM

Appearance  
Age  
Appears Stated Age  
Stature  
Average Height  
Weight  
Average Weight  
Clothing  
Clean, Neat  
Grooming  
Normal  
Posture/Gait  
Normal  
Motor Activity  
Unremarkable  
Sensorium  
Attention  
Normal  
Concentration  
Normal  
Orientation  
Oriented X 4  
Recall/Memory  
Normal  
Relating  
Eye Contact  
Normal  
Facial Expression  
Happy  
Attitude Toward Examiner  
Cooperative  
Affect & Mood  
Affect  
Appropriate  
Mood  
Euthymic  
Speech & Thought  
Speech Flow  
Normal  
Thought Content  
Appropriate To Mood/Circumstances  
Preoccupations

## Texas Department of Criminal Justice

OFFICE USE ONLY



# STEP 1

## OFFENDER GRIEVANCE FORM

Offender Name: Juan Javier Ornelas TDCJ # 01758617  
 Unit: Estelle (H.S.) Housing Assignment: H-224  
 Unit where incident occurred: Estelle (H.S.)

Grievance #: \_\_\_\_\_  
 Date Received: 05-05-17  
 Date Due: 06/04/17  
 Grievance Code: 40  
 Investigator ID #: 1-2168  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Ad. Seg. Commissary Officer When? 5-2-2017  
 What was their response? I don't know why you are on commissary restriction.  
 What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I'm not sure what's going on here. All I know is that I  
was placed on commissary restriction without any due process  
at all. To my knowledge I have not been given any type  
of disciplinary case while assigned to Estelle High Security  
Unit. The only thing that I can think of that would cause  
all of this is 2 old major cases that I received on  
the Eastham Unit while assigned there. But those cases are  
"old" and I made it clear to Eastham Unit that I did  
indeed want to attend the disciplinary hearings on those  
cases and defend myself from those false allegations. I  
do not understand how I could be denied my due process  
rights and railroaded this way. I want to know what's  
going on here. Why was I placed on commissary  
restriction without any due process? Another thing if a  
disciplinary hearing was held on me without me being  
there I am still supposed to receive some type of  
notice and an opportunity to appeal its results. I have  
not received any type of notice "at all". I received no  
Form I-47 MA Disciplinary Report and Hearing Record.

05-05-17

## Action Requested to resolve your Complaint.

I want my due process rights: notice: and opportunity to appeal case that placed me on commissary restriction. 050517

Offender Signature: Juan Javier Arreola Date: 5-2-2017

Grievance Response: \_\_\_\_\_

Signature Authority: \_\_\_\_\_

Date: \_\_\_\_\_

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☒ 1. Grievable time period has expired. 050517
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: R. Lerma 050517

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission UGI Initials: 1-2193

Grievance #: 2017131989

Screening Criteria Used: 01 499

Date Recd from Offender: 050517

Date Returned to Offender: 050517

**2<sup>nd</sup> Submission** UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission** UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

Appendix F

Ex: B-054



**TRANS PRIDE  
INITIATIVE**

Texas Department of Criminal Justice  
Ombudsman Coordinator  
P.O. Box 99  
Huntsville, Texas 77342-0099

June 12<sup>th</sup>, 2017

re: request for safekeeping, Juanita(Juan Javier) Ornelas, TDCJ #1758617

To the Texas Department of Criminal Justice Ombudsman Coordinator:

I am writing on behalf of a transgender woman, Ms. Ornelas, Texas Department of Criminal Justice (TDCJ) number #1758617, currently incarcerated at the Estelle Unit.

As per request by Gigi Jamison of UTMB Quality Services, and as coordinated by Ms. Jamison with the Ombudsman Office in a telephone call on February 11, 2016, I am directing this to your office for distribution to the proper TDCJ offices. This letter should be forwarded to the PREA Ombudsman.

Ms. Ornelas is temporarily housed at Estelle Unit because she is undergoing physical therapy for her right hand and wrist. She is unsure, but she feels as if she will be transferred back to Eastham after the physical therapy is complete. She is worried that Eastham Unit is unsafe for her due to threats she has received and instances of sexual abuse she has experienced in the past. The following paragraphs will explain her past experiences that have lead us to believe that she is in need of safekeeping.

**Rape on April 24<sup>th</sup>, 2016 and subsequent problems at Boyd Unit**

While on the Boyd Unit, Ms. Ornelas was sexually abused multiple times by another incarcerated person named James Brown. After continually harassing and intimidating her, he coerced her into sex with threats that he would tell people she was an informant for the Office of the Inspector General. On the occasions she would refuse to give in to these threats, he punched her in the back of the head. She allegedly reported this to O.I.G. Alexander Hamilton and asked for help, but she was ignored.

This sexual abuse went on for a time, culminating in forced anal rape on April 24<sup>th</sup>, 2016. Mr. Brown reportedly punched her in the head then forced himself onto her. She informed Alexander Hamilton about this once again, claiming that she was bleeding and in pain, but was ignored once again. Later, she reports experiencing retaliation for reporting the abuse to the O.I.G. Alexander Hamilton.



**TRANS PRIDE  
INITIATIVE**

The Boyd Unit's administration allegedly received reports that Ms. Ornelas' life was in danger, and for that reason they placed her in Administrative Segregation. It seems as if she was asked by the administration to file an OPI. Instead of referring to the threats they have received, they told her to reference the assault that occurred on April 24<sup>th</sup>, 2016. She complied with these instructions, and also requested a transfer as well as to be given safekeeping status during this time. She was denied safekeeping status, but was transferred to Telford and then to Eastham.

#### Subsequent events at Eastham

It seems as if Eastham Unit conducted an investigation into her sexual abuse at Boyd Unit. Despite this investigation, apparently she reports some PREA violations at Eastham. She reports filing either formal or informal complaints about these violations at Eastham, and later experiencing retaliation for that.

Because of these events, we feel that Ms. Ornelas shouldn't be transferred back to Eastham on release from her medial treatment at Estelle, and that she meets the qualifications for safekeeping. We highly recommend that she be transferred to a unit other than Eastham once she leaves Estelle unit, or that she should be designated for safekeeping status.

We look forward to receiving communication from your office that this issue is being addressed.

Sincerely,

Tyler Freeland  
Trans Pride Initiative





## Texas Department of Criminal Justice

## STEP 1

OFFENDER  
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2017187649  
 Date Received: AUG 11 2017  
 Date Due: 09/20/17  
 Grievance Code: 209  
 Investigator ID #: JH7802168  
 Extension Date: \_\_\_\_\_  
 Date Retd to Offender: SEP 07 2017

Offender Name: Juan Javier Omelas TDCJ # 01758617Unit: Estelle (H.S.) Housing Assignment: H-204Unit where incident occurred: Estelle (H.S.)

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? SCC When? 8-10-2017What was their response? You are going to stay in seg for a long time.What action was taken? Held in ad-seg illegally.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Appealing SCC's decision made on 8-10-2017. I was told that I am now being held in ad-seg due to being "sexually assaultive". I am not sexually assaultive! I have never threatened or assaulted anyone sexually or in any other way. SCC mentioned disciplinary case # 20170207590 to support their decision. That case is not a sexual assault case, and it was written in retaliation of me reporting violations of the PREA Law and sexual abuse done "to me". "I was the one who was sexually assaulted"! All of this is currently being investigated by the O.I.G. case # 1700002448. This is completely outrageous!!!

Now I have been asked to give SCC 6 months in ad-seg. I did that. Then I was asked to give them 1 year. I did that. I have now been in ad-seg for a total of 1 year and 3 months.

I have just completed months of physical therapy in which I physically interacted with medical staff in close proximity to other inmates (G.P.) while wearing no restraints and without causing any type of threat or danger to them or security. This shows that I am no threat to staff, inmates or security.

To say that I am "sexually assaultive" is a false statement. And to place that statement on state

AUG 11 2017

documents' is falsifying state documents. And to use such false statements / documents as tools to restrain me in my liberty in extreme conditions' is a violation of my state and federal constitutional rights. I do not willingly accept these actions and therefore respectfully appeal SCC's decision. AUG 11 2017

(2) Attachments (documentary evidence / pertinent info).  
Filed in preparation of litigation and LGBT media release. AUG 11 2017

\*Note: Please return my attachments - thank you.

Action Requested to resolve your Complaint.

Requesting: a thorough investigation into this legal matter, a 90 day special review and release from ad-seg.

Offender Signature: Juan Javier Arceles Date: 8-10-2017

Grievance Response:

Your complaint has been noted by this office. According to Classification, you were placed into Administrative Segregation (Ad-seg) due to a weapon. In regards to the disciplinary of sexual misconduct, it states consensual act by self admission. Your custody level LEVEL 1 mandates you are housed in Ad-seg. It was State Classification decision on 08/11/2017 that you remain in Ad-seg for these reasons. No further action is warranted by this office.

WARDEN PRESTWOOD

Signature Authority: [Signature]

Date: 8/11/17

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

Appendix F

Ex: B-058



Texas Department of Criminal Justice  
Ombudsman Coordinator  
P.O. Box 99  
Huntsville, Texas 77342-0099

September 2, 2017

re: request to investigate retaliation, remove false charges, and provide safekeeping housing,  
Juanita (Juan Javier) Ornelas, TDCJ #1758617

To the Texas Department of Criminal Justice Ombudsman Coordinator:

I am writing on behalf of a transgender woman, Ms. Juanita Ornelas, Texas Department of Criminal Justice (TDCJ) number #1758617, currently incarcerated at the Estelle Unit.

As per prior request, I am directing this to your office for distribution to the proper TDCJ offices. This letter should be forwarded to the PREA Ombudsman and to the State Classification Committee. Trans Pride Initiative (TPI) will forward the letter ourselves to the Office of the General Counsel.

### **Issue Summary**

In 2016, Ms. Ornelas tried to report sexual harassment and sexual abuse against her on Boyd Unit. Her reports were ignored, and as a result, Ms. Ornelas was physically assaulted on April 24. Instead of providing protection, it appears that officers at Boyd and at subsequent units have retaliated against Ms. Ornelas by re-victimizing her with false cases and interfering with her access to legal remedies. Further, it now appears that the abuse is not only being considered "consensual," but there is an effort to blame her for the abuse against her. A summary time line is presented here, with details in the Issue Discussion.

- April 2016, Ms. Ornelas was repeatedly sexual abused by James Brown; reported to Boyd Unit Office of the Inspector General (OIG); no investigation conducted.
- April 24, 2016, Ms. Ornelas was physically assaulted by James Brown for refusing sexual abuse; assault reported to Boyd Safe Prisons.
- May 16, 2016, Ms. Ornelas was placed in protective custody due to threats against her life at Boyd Unit. Her cell and person searched, nothing of note found.
- May 17, 2017, Ms. Ornelas' former cell was searched again a day later, after others had access to the cell, and a weapon was found; Ms. Ornelas was charged with weapon possession.



- September 15, 2016, Ms. Ornelas, then at Telford Unit, felt safe enough to report sexual abuse again; no action was taken. She continued to try to address false weapons possession charge and get attention to the sexual abuse issue.
- November 2016, Ms. Ornelas discussed issues with Eastham mental health staff Kimberly Klock and decided to continue to try to address the sexual abuse issue. Her grievances were ignored until late January 2017.
- February 8, 2017, approximately 10 months after first reporting, Safe Prisons interviewed Ms. Ornelas about the sexual abuse, but instead of investigating, filed a consensual sex case against Ms. Ornelas.
- February 28, 2017, OIG investigator admitted OIG failed to act properly in 2016 and the investigator stated he would investigate the case.
- March 2, 2017, Safe Prisons interviewed Ms. Ornelas again, informing her that the earlier Safe Prisons investigation was not done properly; they stated that the issue would be addressed. Instead, and unknown to Ms. Ornelas, the investigator wrote another consensual sex case against Ms. Ornelas.
- Without informing Ms. Ornelas, the hearing was held for the March 2 consensual sex case. Ms. Ornelas was not allowed to make a statement or participate in the hearing. She was found guilty. She discovered the case on July 24, after being denied commissary.
- On August 10, 2017, the State Classification Committee (SCC) informed Ms. Ornelas she is on file as "sexually assaultive." Ms. Ornelas does not know why this is being claimed; SCC provided no meaningful details.

### Request for Redress

This appears to be an issue of retaliation against Ms. Ornelas for reporting a sexual assault, prohibited under PREA guidelines and TDCJ policy. This serves not only to deny Ms. Ornelas of her basic human rights, but also interferes with TDCJ prevention efforts addressing sexual harassment, sexual abuse, and other violence. To address the issue, we are requesting the following actions.

- Investigation of the disciplinary cases against Ms. Ornelas since April 2016 as retaliatory treatment.
- Provide Ms. Ornelas with documentation that justifies the assessment of "sexually assaultive" or remove that assessment from her record.
- Remove the false weapons charge and false consensual sex cases from her record.
- Provide safekeeping housing.



## TRANS PRIDE INITIATIVE

### Discussion of the Issues

We previously wrote to the Office of the Ombudsman concerning Ms. Ornelas (our letter dated June 12, 2017) to request safekeeping status. We have since looked more closely at the issues Ms. Ornelas has reported, and we believe this history represents egregious abuses by TDCJ staff and administration, and that the injustices she is experiencing are increasingly interfering with her rights to address inhumane treatment. Our initial request, assigned Inquiry Number 05-6439-01, appears to have prompted no substantive investigation or response; the Office of the Ombudsman dismissed the issues by simply stating that Ms. Ornelas' "current custody status and housing assignment are appropriate."

We believe that represents negligence in recognizing the actual facts of the issue. This subsequent letter is not an amendment of or supplement to the June 12 letter, this is a separate report of what appears to be gross negligence on the part of TDCJ by failing to investigate sexual abuse, by attempting to cover up that failure, and by punishing the victim for reporting her experience of sexual abuse.

#### Sexual Abuse Against Ms. Ornelas in 2016

In early 2016, an incarcerated individual named James Brown<sup>1</sup> began sexually harassing Ms. Ornelas at the Boyd Unit. The harassment included unwelcome sexual advances and requests for sexual favors, and it was accompanied by intimidation and attempts to coerce Ms. Ornelas into providing sex in exchange for protection against violence Mr. Brown could foster. Mr. Brown stood at about 6'4" and significantly outweighed Ms. Ornelas, who stands at about 5'9". Knowing that unit staff were unlikely to protect her if reported, Ms. Ornelas eventually conceded to the coerced oral sex for her own safety.

When Ms. Ornelas was moved to a different wing, the harassment and forced sex stopped until Mr. Brown was moved into the same wing and again tried to coerce her into providing sex. After her initial refusals, Mr. Brown began threatening to spread rumors that Ms. Ornelas was informing on contraband trafficking. She then agreed to the coerced oral sex forced by Mr. Brown, but also informed the unit OIG investigator, identified as a Mr. Hamilton, of the abuse in an attempt to seek protection. The OIG investigator did not address the situation and appears to have provided no attempt to protect her; Ms. Ornelas continued to experience sexual harassment and sexual abuse from Mr. Brown repeatedly during April 2016.

Then on April 24, 2016, Mr. Brown assaulted Ms. Ornelas. This was witnessed by several officers and incarcerated persons, and reportedly was documented in Disciplinary Case 20160253174.

1. Brown was later identified by Eastham Unit Safe Prisons/PREA Manager S. Steel as having TDCJ Number 1981212. An August 29 search of the TDCJ online records indicates no incarcerated person with this number in the system at this time. We do not know if Ms. Steel's identification is correct or not.





### Subsequent Threats, Initial Retaliation

On May 16, 2016, Ms. Ornelas reports that she was told by ranking officers at Boyd Unit that her life was in danger. She was removed from general population and placed in protective custody by a gang intelligence officer named Benny Boykin.

Mr. Boykin then instructed Ms. Ornelas to complete an Offender Protection Investigation (OPI) form and to state therein that her safety was in danger due to reporting the April 24 attack by Mr. Brown. Ms. Ornelas completed the form as instructed. She also disclosed that there were rumors that she had informed on persons running contraband. As stated above, Mr. Brown had used threats of spreading such rumors to force Ms. Ornelas to engage in oral sex.<sup>2</sup>

The following day, May 17, 2016, Ms. Ornelas was given Disciplinary Case 20160281695 for possession of a weapon. Although her cell and her body had been searched May 16 with no results, Mr. Boykin claimed to have found the weapon during a search the following day, after other persons had ample opportunity to access her cell.

Ms. Ornelas appealed the guilty hearing decision through Step 2 (see Grievance Number 2016146930), rightfully questioning how the weapon—found not in her possession but in a cell a day after she was removed from that cell, and after the initial search revealed no weapon—could constitute “a preponderance of evidence” that a weapon was in her possession. Instead, this appears to be insufficient/improper evidence to support a finding of guilt.<sup>3</sup> Subsequently, Ms. Ornelas tried to seek legal recourse for the wrongful finding, but she was repeatedly denied legal visits, potentially interfering with Ms. Ornelas’ right of access to courts.

### Transfer to Telford Unit

On or about June 13, 2016, Ms. Ornelas was transferred to Telford Unit. On September 15, 2016, she was seen by the SCC, which was reviewing her placement in administrative segregation. At this point, Ms. Ornelas felt she could disclose the sexual abuse by Mr. Brown and the OIG’s failure to investigate, and discussed the issues and the committee review meeting. The SCC appears to have taken no action to investigate the issue, and left Ms. Ornelas in administrative segregation.

2. Ms. Ornelas reports that she did not disclose at that time that Mr. Brown had been sexually abusing her because OIG investigator Hamilton had ignored that information, and because she was afraid disclosing it to Boyd staff would further endanger her safety. Officers often disclose such reports but provide no protection from assailants or their associates, which greatly increases the risk of violence against persons reporting sexual abuse. This behavior by TDCJ staff discourages reporting of sexual harassment and sexual abuse.
3. TDCJ defines “preponderance of evidence” as “evidence of greater weight or more convincing than the evidence which is offered in opposition to it, that is, evidence which as a whole shows that the fact sought to be proven is more probable than not.” There appear to be ample reasons for Ms. Ornelas’ safety to have been at risk, either through direct attack/assault or through being set up for a false case. These include the prior assault by Mr. Brown, the disciplinary case against Mr. Brown and supported by Ms. Ornelas, and the claims of there being a threat against her safety according to Boyd Unit staff. These weighed with the fact that Ms. Ornelas does not have a recent history of any violent behavior or weapons possession cases indicate the assumed possession of the weapon is circumstantial at best, but certainly not a “preponderance of evidence.”





On September 22, 2016, Ms. Ornelas reports that she met with a Telford Unit mental health counselor and expressed her depression and frustration at TDCJ's refusal to address either the false weapons charge or the sexual abuse.

#### **Transfer to Eastham Unit, Subsequent Retaliatory Actions**

On or about November 10, 2016, Ms. Ornelas was transferred to the Eastham Unit. She once again confided in the unit mental health personnel (Kimberly Klock), reporting the sexual abuse by Mr. Brown. Ms. Ornelas reports she then filed several I-60s to try to get some attention to the issue, but none had any response until January 21, 2017, when Grievance Number 2017079154 was addressed.

In response to Grievance Number 2017079154, Safe Prisons officer Ms. L. Haynes conducted an OPI investigation on February 8, 2017. Although the sexual abuse was initially reported in April 2016, was reported again in June 2016, and was reported multiple times from November 2016 through January 2017, this appears to constitute the first time that the agency has opened an investigation.

However, instead of a proper investigation, Ms. Ornelas reports that Ms. Haynes tried to blame Ms. Ornelas for the abuse she suffered. Ms. Haynes is reported to have noted that she could not find James Brown in the system.<sup>4</sup> To reinforce Ms. Haynes' false accusation, she cited Ms. Ornelas with Disciplinary Case 20170190784. It appears that this was for making a false statement or consensual sex, but TPI has not seen this report yet.

Then on February 28, 2017, OIG investigator Ben Gardner interviewed Ms. Ornelas about the sexual abuse documented in Grievance Number 2017079154. Mr. Gardner is reported to have apologized for OIG investigator Hamilton's failure to follow TDCJ policy, and stated he would investigate the sexual abuse. We have no further information about whether it was investigated.

Officer Ms. S. Steel, who like Ms. Haynes represented the Eastham Safe Prisons/PREA office, interviewed Ms. Ornelas for a new OPI on March 2, 2017. Ms. Steel is reported to have told Ms. Ornelas that Ms. Haynes had not conducted the initial interview properly, but Ms. Steel continued to try to cast blame on Ms. Ornelas for the sexual abuse against her. However, Ms. Steel, reported that she would "write up the investigation."

On March 6, 2017, Ms. Ornelas was informed that Grievance Number 2017079154 was found "unsubstantiated." As an indication of underlying reasons for the dismissal of the grievance, Ms. Ornelas reports that she was criticized by administration at Eastham—Ms. Haynes, Ms. Steel, and Assistant Warden Johnson all criticized her for reporting the abuse to OIG's Mr. Hamilton instead of TDCJ staff. To discouraging such reporting is not only a clear violation of PREA regulations that state she can report to any party with which she feels comfortable, it also clearly undermines TDCJ's alleged "zero tolerance" for sexual harassment and sexual abuse.

4. Note that there are currently about 24 James Browns in the system, and that a short time after this statement from Ms. Haynes, the specific James Brown alleged to have assaulted Ms. Ornelas was identified by TDCJ number 1981212.



In March or April, Ms. Ornelas was transferred to Estelle Unit, where she is currently housed.

#### **Victim Blaming: Consensual Sex Case and Procedural Violations at Hearing**

It appears that by "write up the investigation," Ms. Steel actually meant she would write a disciplinary case, now identified as Disciplinary Case 20170207590. Ms. Ornelas did not know the case had been written up until July 24, 2017.

The copy of that case report indicates that on March 2, 2017, Ms. Ornelas "did engage in a consensual act with James Brown #1981212, by engaging in homosexual conduct, by self admission in a written statement."

Such a disciplinary case serves no purpose except to blame a survivor of sexual abuse for the actions of her abuser. Ms. Ornelas would have nothing to gain creating a false report of sexual abuse because Mr. Brown is no longer in TDCJ custody, so reporting the action is not likely to get her moved or result in any action against Mr. Brown due to the length of time that has passed because the OIG failed to investigate the initial report. **The only reasons for filing such a disciplinary case are 1) as retaliation for reporting sexual abuse to OIG, and 2) to discourage future reports of sexual abuse.**

The hearing for Disciplinary Case 20170207590, which took place April 18, 2017, shows that Ms. Ornelas indicated she did wish to attend the hearing, although she does not recall even being informed of the disciplinary case—it is assumed her "response" was completed without Ms. Ornelas' participation. A person named "Smith" was apparently the counsel substitute at the hearing, and the hearing record indicates Ms. Ornelas had no statement, but due to the history of these issues and her advocacy for her rights around this issue, it is highly unlikely that she would have made no statement on her own behalf. The hearing is noted to have taken less than four minutes. She was found guilty of a case because she reported a sexual assault, and appears to have not even been provided the opportunity to make a statement about the case.

On July 24, 2017, Ms. Ornelas reported to us that she had just that morning received the hearing record for Disciplinary Case 20170207590, which she had to purchase from the Law Library. She only learned that something had happened when she was told she was restricted from commissary purchases. She has tried to file a grievance about the issue, only to be told that the grievable time period had expired. However, this seems to be contrary to the rule in AD-03.82 that she has 15 days from when she "became aware or should have become aware of the incident or problem." Granted, she should have been aware of it long before—but that was due to TDCJ staff's failure to follow proper procedure and inform her, not due to any negligence on her part.

#### **Victim Blaming Becomes False "Sexually Assaultive" Claim**

On August 10, 2017, Ms. Ornelas saw SCC for another administrative segregation review hearing. She was told that she would remain in administrative segregation into next year (Form I-189 indicates until February 2017, but we assume that is in error and should be 2018). That was



## TRANS PRIDE INITIATIVE

not so much a surprise due to the highly problematic disposition of Disciplinary Case 20170207590, but it is certainly problematic that in addition to keeping her in administrative segregation due to false charges, SCC is now claiming she is "sexually assaultive," which apparently means that her efforts to report a sexual abuse against her have resulted not just in being misrepresented as consensual sex, but also to misrepresent her as the assailant.

Ms. Ornelas has filed a grievance against this, and TPI fully supports her actions to address the egregious behavior of TDCJ staff.

### Conclusion

As stated in our Request for Redress, the treatment Ms. Ornelas has experienced appears to indicate protracted and deliberate retaliation for reporting a sexual abuse.

**The history of this abusive behavior appears to violate multiple provisions in PREA regulations, including at a minimum §§115.11, 115.31, 115.34, 115.62, 115.67, 115.73.**

**This history of abusive behavior appears to violate multiple TDCJ policies, including at a minimum policies in:**

- The "Safe Prisons/PREA Plan" covering
  - Negligence by the Unit Safe Prisons/PREA Manager at Eastham Unit,
  - Failure to follow Immediate Response protocol,
  - Failure to to appropriately follow policy in Obtaining Information from Offenders,
  - Neglect of duties related to Reporting Allegations,
  - Failure to ensure Protection from Retaliation, and
  - Failure to provide appropriate Investigations.
- Policy PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," for Substandard Duty Performance, Falsification of Records, and Denial of Uniform Access to Courts.
- Policy BP-03.81, "Rules Governing Offender Access to the Courts, Counsel, and Public Officials," for interfering with access to legal visits and possibly failure to provide requested materials.

Once again, we are requesting that this denial of Ms. Ornelas' basic human and constitutional rights—and TDCJ's failure to have an effective policy to prevent sexual harassment, sexual abuse, and other violence—be in part addressed by taking the following actions.

- Investigate the disciplinary cases against Ms. Ornelas since April 2016 as retaliatory treatment.
- Provide Ms. Ornelas with documentation that justifies the assessment of "sexually assaultive" or remove that assessment from her record.

Trans Pride Initiative P.O. Box 3982, Dallas, Texas 75208 | 214-449-1439 [tpride.org](http://tpride.org)



**TRANS PRIDE  
INITIATIVE**

- Remove the false weapons charge and false consensual sex cases from her record.
- Provide safekeeping housing.

We look forward to receiving communication from your office that these issues are being appropriately addressed instead of continuing to blame the survivor of sexual abuse.

Sincerely,

Nell Gaither, President  
Trans Pride Initiative

cc: Office of the General Counsel  
Austin Community Law Center

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

**SAFE PRISONS/PREA PROGRAM**

**Offender Notification Brochure**

---

**Date:** 09/06/2017

**To:** Ornelas, Juan Javier #1758617

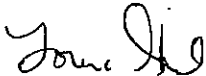
**Subject:** OIG Case #1700002448 / Incident # I-02319-02-17

On 2/27/2017, you made an allegation of sexual assault, which prompted a criminal investigation. That allegation resulted in the opening of a criminal case by the Office of the Inspector General (OIG).

The alleged suspect is Brown, James.

According to information received from the OIG, it has been determined that the allegations are **Unsubstantiated**.

This document serves as your final notification if the above criminal case was determined unsubstantiated or unfounded. Following a substantiated case, you will only receive subsequent notification(s) following the suspect assailant indictment or conviction on the related charge. If you need assistance understanding the information contained in this brochure, you may contact the Safe Prisons/PREA Manager on your unit.



---

Lorena Steinbecker  
Safe Prisons/PREA Program Manager

Cc: File

Ex: B-067



*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

**Dale Wainwright**  
Chairman

October 17, 2017

ORNELAS, Juan #1758617  
Estelle Unit  
264 FM 3478  
Huntsville, Texas 77320-3320

RE: SA-200506439-00003

Offender Ornelas,

This letter is in response to correspondence received on October 03, 2017, from Trans Pride Initiative, Nell Gaither; in the Texas Department of Criminal Justice (TDCJ) Ombudsman Office regarding allegations of you being sexually abused by an offender at the Boyd Unit. The information was forwarded to the PREA Ombudsman Office for investigation.

The TDCJ has zero tolerance for sexual abuse and sexual harassment and requires all allegations of sexual abuse and sexual harassment to be thoroughly investigated. The PREA Ombudsman Office is responsible for the oversight of administrative investigations concerning allegations of sexual abuse and sexual harassment. We fully review each administrative investigation and the unit's response to allegations of sexual abuse and sexual harassment. In addition, allegations of sexual abuse we receive are referred to the TDCJ – Office of the Inspector General (OIG) for possible criminal investigation. If you have any questions regarding an OIG case, you may contact the OIG at P.O. Box 4003, Huntsville, Texas 77342.

The PREA Ombudsman Office conducted a review of the unit's administrative investigative reports regarding the allegation of sexual abuse, to include statements. We found the investigation was conducted appropriately and in accordance with TDCJ policies and procedures. Records indicate all allegations have been previously reported and investigated.

The PREA Ombudsman Office completed the investigative review on October 17, 2017, and determined the allegation of sexual abuse to be unsubstantiated. Please note that "unsubstantiated" means there was insufficient evidence to make a final determination whether or not the incident occurred.

Additionally, there are many factors considered by the TDCJ in the placement of an offender in Safekeeping housing. The State Classification Committee (SCC) ultimately makes the final determination. The PREA Ombudsman Office does not make the determination for placement.



Case 6:18-cv-00056-ADA Document 54 Filed 05/08/19 Page 1 of 1  
Based on the information we reviewed, the PREA Ombudsman Office has closed this inquiry request and no further action will be taken at this time.

Sincerely,

*Teresa Hosea*

Teresa Hosea,  
Program Specialist I  
PREA Ombudsman Office

cc: File



## Texas Department of Criminal Justice

# STEP 1

## OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2018072450Date Received: 011818Date Due: 02/27/2018Grievance Code: 302Investigator ID #: I2015

Extension Date: \_\_\_\_\_

Date Retd to Offender: 02 FEB 2018Offender Name: Juan Javier Ornelas TDCJ # 01758617Unit: Estelle (H.S.) Housing Assignment: H-204Unit where incident occurred: Estelle (H.S.)

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Disciplinary Captain Benson (I-60) When? 1-9-18What was their response? No responseWhat action was taken? Ignored my I-60 / request011818

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On (1-9-18) I sent an I-60 to the Disciplinary Captain requesting  
the (FINDINGS) on my disciplinary case #20170190784' and I  
never received a response of any kind. 011818

This is not an appeal. I am requesting this information because it  
is relevant evidence to my legal case #4:17-cv-03861. 011818

I was not allowed to attend the disciplinary hearing for this  
disciplinary case' and I never received a copy of Form I-47MA  
for this case' so I don't know anything about it FINDINGS.

I tried to purchase a copy of this Form I-47MA several  
months ago through the Open Records Act / LawLibrary' but I  
never received it. So I'm assuming that they did not have it in  
their computer under my file. 011818

I believe that I was found "Not Guilty" in this disciplinary case  
because it was a bogus case. If so' this case is in the "Unit  
Disciplinary Archive File." 011818

GR-106 states: quote: pg 18) Information regarding not guilty  
findings shall only be used for legal or grievance issues.  
end of quote. 011818

With that said' I have a legitimate request and need for  
this information. If you will not give me a copy of this Form  
I-47MA, please just give me its FINDINGS, (Guilty-or-Not  
Guilty). There is no legitimate reason for any TDCJ official to  
deny me this information. I have the right to know if I  
011818

have been found guilty - or - not' of any disciplinary case written on me. 011818

Note: This case was written by Leontyne Haynes of the Eastham Unit on 2-28-17. I believe the case was transferred here to Estelle (H.S.) in April 2017.

011818

## Action Requested to resolve your Complaint.

Requesting the FINDINGS for disciplinary case #20170190784

Offender Signature: Juan Javier OrnelasDate: 1-18-18

Grievance Response:

Your complaint has been noted by this office. Captain Vincent states that he spoke with you on 01/24/18 and your issue regarding the disciplinary case has been taken care of. Your grievance has been resolved accordingly. No further action is warranted at this time.

Warden Lacox

Signature Authority:


Date: 2/1/18

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

**OFFICE USE ONLY**

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

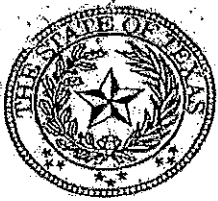
3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



## Texas Department of Criminal Justice

## STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Ornelas, Juan TDCJ # 1758617  
 Unit: E2 Housing Assignment: H204  
 Unit where incident occurred: E2

## OFFICE USE ONLY

Grievance #: 2018072450  
 UGI Recd Date: 03.15.18  
 HQ Recd Date: MAR 23 2018  
 Date Due: 04.24  
 Grievance Code: 302  
 Investigator ID #: I1364  
 Extension Date: 6/3/18  
 JUN 04 2018

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

This issue has not been resolved. On 1-18-18 I spoke with  
Counsel Substitute Ms. Bailey and she told me that Disciplinary  
Case # 20170190784 is not in any of the Unit's Disciplinary  
Records / Files. She showed me her computer screen displaying  
my disciplinary record and this case is not there. If I was  
found Not Guilty then this case should be in the Unit's  
Disciplinary Archive File where according to GR-106 it is to be  
maintained for 2 years. Why is it not there (?) On 1-24-18 I  
spoke to Captain Benson and Ms. Bailey again about case  
# 20170190784 and case # 20170207590 and they told me that  
they are not at liberty to give me copies of anything. I  
asked if I could at least inspect (see/read) them there  
and they said 'no' and that I must go through Open  
Records to access them. I've tried to obtain these documents  
through Open Records and the only thing that they sent me  
was I-47MA Form for case # 20170207590. I received  
nothing for case # 20170190784. Where are all the other  
documents (I-47MA, I-210 and documentary evidence) for  
these cases (?) These cases were ran without me being  
present and I never received anything. I've tried to  
obtain these documents through various channels but I've  
been repeatedly denied them. Why (?) According to GR-106 I

I-128 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G

EX: B-072

have the right to access these documents for 'grievance or legal issues. I have a legal issue' 4:17-cv-03861 on the officers who wrote these cases. If there is no conspiracy, collusion or cover-up going on then why is everyone keeping all of these documents from me (?)

Offender Signature: FEB 09 2018

*Juan Javier Ornelas*

Date:

Grievance Response:

Your Step 2 grievance has been investigated by this office. The case was dismissed prior to the hearing. Based on the facts available at this time, no further action is warranted by this office.

Offender Signature:

Date:

Grievance Response:

MATT GROSS  
ASSISTANT REGION DIRECTOR

Signature Authority:

*[Signature]*

Date: 5-17-18

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☒ 3. Originals not submitted. \* *signature needed*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

Offender Signature:

Grievance Response:

CGO Staff Signature: D. HURLEY, PS III

REGION I OFFENDER GRIEVANCE

Signature Authority:

FEB 09 2018

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.

I-128 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission

CGO Initials: *DAH*

Date UGI Recd: 02.06.18

Date CGO Recd: FEB 09 2018

(check one) ☒ Screened ☐ Improperly SubmittedComments: *NO signature*

Date Returned to Offender: 3-7-18

2<sup>nd</sup> Submission

CGO Initials:

Date UGI Recd:

Date CGO Recd:

(check one) ☐ Screened ☐ Improperly Submitted

Comments:

Date Returned to Offender:

3<sup>rd</sup> Submission

CGO Initials:

Date UGI Recd:

Date CGO Recd:

(check one) ☐ Screened ☐ Improperly Submitted

Comments:

Date Returned to Offender:

(check one) ☐ Screened ☐ Improperly Submitted

Comments:

Date Returned to Offender:

2<sup>nd</sup> Submission

Appendix G

EX: B-073

In The United States District Court  
For The Western District Of Texas  
Waco Division

Juan Javier Ornelas  
TDCJ-CID # 01758617

Case No.

W-18-CV-056

v.

Alexander Hamilton

Memorandum  
Additional Facts And Evidence  
Supporting Plaintiff's Complaint



On February 23, 2016: at TDCJ Boyd Unit, Officer Boykin found me in possession of K2: at Ex: A-001-2. He then locked me up in the administration building. While I was in lock up, Officer Wickliffe approached my cell and began talking to me about the K2 business at Boyd. He then asked me if I wanted to become an informant and help stop dirty officers from smuggling K2 into Boyd. I agreed to become an informant and wrote a statement for him.

On or about February 25, 2016: Mr. Boykin took me to his office to talk about the statement that I wrote for Mr. Wickliffe. Mr. Boykin told me that he wasn't mad at me because I was just a prisoner who was being taken advantage of by dirty officers. He then told me that he would be contacting TDCJ-016 Alexander Hamilton to set up a meeting for me to begin informing on dirty officers.

On or about March 4, 2016: I met with Mr. Hamilton and provided him with information on prisoners and officers who were buying/selling K2 at Boyd. Afterwards, Mr. Hamilton asked me if there was something that he could do for me. I told him that I was worried about getting a case and getting transferred to a gang infested unit where I would have problems. Mr. Hamilton told me not to worry about that and to write him if I needed anything else. I was then released to General Population (G.P.).

When I was released to G.P. officers began to tell the prisoners that I had snitched on everyone and didn't get a case. I was labeled a snitch and prisoners began to talk about assaulting me.

Former prisoner James Brown began to use all of this to pressure me for sexual favors. He offered me his protection in exchange for oral sex. When I declined his offer he threatened to tell prisoners that he heard me snitching to induce them to assault me. I feared for my safety and life, and submitted to his demands for oral sex. This was not the first time that he pressured me for sexual favors. In 2015, he repeatedly pressured me for sexual favors.

On or about March 17, 2016: Mr. Boykin called me to his office and told me that he heard about everything that was going on in G.P. He then wrote me a case for the K2 possession at Ex: A-002. He said that he thought it was the smart thing to do. I told him that I wanted to go to Safekeeping at Boyd. He said that he couldn't put me there but Mr. Hamilton could if I gave him some good information.

James Brown continued to abuse me physically and sexually. I was afraid to report my abuse because James Brown threatened to kill me if I snitched on him. I couldn't trust any of the officers because they were calling me a snitch and telling prisoners that they should drop me. James Brown and other prisoners began to watch me closely. They also began to watch the administration building to try to find out which prisoners were going in there to snitch.

On or about April 1, 2016: I sent Mr. Hamilton an I-60 (letter) via mail reporting my abuse and requesting his help. But he ignored my I-60 and my abuse continued. A copy of that I-60 was given to officer Haynes at Ex: B-033. Mr. Hamilton failed to: separate me from James Brown, investigate my abuse and collect evidence. Mr. Hamilton did not comply with TDCJ policy or the Prison Rape Elimination Act Prisons And Jail Standards (PREA) at Ex: A-003-10.

On April 7, 2016: I went to see Mental Health Ms. Shelton because I was thinking about reporting my abuse there. But I couldn't do it because I was afraid that James Brown would find out and kill me. It is common practice for TDCJ officials/officers to tell prisoners when a prisoner has reported sexual abuse and/or filed an Offender Protection Investigation (OPI) at Ex: B-007-12. I considered telling my mother about my abuse and letting her report it, but I didn't because I was afraid of how she might react. My mother is Catholic and at that she didn't know that I was homosexual at Ex: A-017.

Between April 7 and April 14, 2016: James Brown beat me and anal raped me twice.

On April 15, 2016: I went to see Mental Health Ms. Shelton again. But again I was afraid to snitch on James Brown. However, I did express my fears and told her that I didn't feel safe in G.P. and that I wanted to go to Safekeeping. She told me that I should tell administration. I told her that I had already told Mr. Boykin and Mr. Hamilton. She told me that I should just be patient and wait for Mr. Hamilton to respond to my I-60 at Ex: A-018.

On or about April 17, 2016: I sent Mr. Hamilton another I-60 via mail reporting my abuse and requesting his help. But again he ignored my I-60. A copy of that I-60 was given to Ms. Haynes at Ex: B-033. Again Mr. Hamilton did not comply with TDCJ policy or the PREA.

On April 24, 2016: James Brown attacked and assaulted me after officer Kersten told him that I snitched on him at Ex: A-020. James Brown went to lock up in the administration building and I went back to B-wing due to lock up being full. I was placed in cell B-101 under Pre Hearing Detention status (PHD). I immediately asked for a grievance but was told that I was getting a case for fighting, not a grievance. I then received a case for fighting at Ex: A-019. Later, I asked another officer for a grievance because I wanted to file a grievance while James Brown was in lock up, but the officer told me that I just got my ass kicked for snitching and needed to stop snitching. Prisoners then went to my cell and told me that the officers were calling me a snitch and saying that they weren't going to help me. James Brown told the officers that he assaulted me because I snitched on him but no OPI was initiated at Ex: B-005. Boyd officers did not comply with TDCJ policy.

On May 3, 2016: I was found Not Guilty of fighting with James Brown after evidence showed that he attacked and assaulted me for snitching on him at Ex: A-021. Despite that no OPI was initiated. Disciplinary Captain Howard told me that I was lucky that her son wrote a statement on my behalf at Ex: A-020. She said that the next time that I try to fight back I will get a case.

Ms. Howard then told me to get out of her office before she changed her mind. Ms. Howard did not comply with TOCS policy. I was then returned to G.P. where I continued to be threatened and sexually harassed by James Brown and Tango (gang) members. I feared for my safety and life. Mr. Hamilton continued to ignore my I-60(s) so I had no choice but to stay in my cell as much as possible and wait for help at Ex: B-011.

On May 16, 2016: Mr. Boykin went to my cell and told me that my life was in danger and that I was about to be assaulted again. He and officer Rose searched my cell and found some alcohol that my cellmate was making in my locker. My cellmate was a Tango member. I received a case for the alcohol and then was escorted to the administration building at Ex: B-001, 5. Mr. Boykin took me to his office and told me that I needed to write an OPI statement for him, which I didn't want to do due to officers telling prisoners that I was a snitch. It is common practice for TOCS officials / officers to tell prisoners when a prisoner has reported abuse and/or filed an OPI at Ex: B-007-12. But Mr. Boykin told me that if I didn't write a statement for him he was going to return me to G.P. and allow me to be assaulted again. So I wrote a statement for him as he instructed me to at Ex: B-003. I also requested a Unit Transfer to Safekeeping to remedy my problem. Mr. Boykin got mad because I requested protection and told me that "the OPI doesn't guarantee anything". I was then reassigned to the administration building PHD 06 cell under OPI status Pending OPI Transfer at Ex: B-001.

Mr. Boykin's OPI contains false and misleading information. He claims that on April 24, 2016 James Brown and I were assigned to the same cell. James Brown and I have "never" been assigned to the same cell. He also falsely claims that on May 16, 2016 I was still a major distributor of K2. I had no K2 in my possession on that date at Ex: B-005.

On May 17, 2016: Mr. Boykin took me to his office where he told me that he found a weapon in my former cell. He told me that the weapon could be my ticket off the unit if I wrote a statement for him claiming ownership of it.

I told Mr. Boykin that I couldn't do that. He then said: quote: "Look, you are requesting a Unit Transfer to Safekeeping and TDCJ-SCC is denying a lot of those requests and getting people hurt", "I don't want to be held liable if anything else happens to you", "So you have to go one way or another", "You might have to go to Seg." Mr. Boykin then falsely charged me with possession of a weapon and recommended that I be placed in Administrative Segregation at Ex: B-007, 13. Mr. Boykin then continued his OPI and informed prisoners that I had filed an OPI. At this time he was repeatedly told by prisoners that "everyone" knew that I was snitching. Despite that Mr. Boykin did not document in his OPI that he and Mr. Hamilton were using me as an informant at Ex: B-007-11. Word quickly spread that I had filed an OPI. I feared for my safety and life. Mr. Boykin did not comply with TDCJ policy.

On May 18, 2016: Major Benjamin unsubstantiated my OPI. He refused to acknowledge that James Brown assaulted me and that there was a threat of more violence against me. 99% of all OPI(s) filed in TDCJ are unsubstantiated. Mr. Benjamin did not comply with TDCJ policy at Ex: B-006.

I then asked Mr. Boykin to contact Mr. Hamilton and tell him that I still needed to speak with him. Mr. Boykin told me that he would send Mr. Hamilton my message via Email and that I better have some good info for him. On this day I had myself tested for HIV and Hep C because when James Brown anal raped me I bled a lot and I was worried about catching an STD at Ex: B-014-15. While at Medical I thought about reporting my abuse but when Ms. Isbell was drawing my blood she said: quote: "This one here is real girly", "We can make a lot of money selling her all over the unit", "If she doesn't have the booty flu". So I didn't report my abuse to her.

Around May 25, 2016: I sent Mr. Boykin an i-go regarding the message that I asked him to send to Mr. Hamilton. Later he took me to his office where he told me that he sent Mr. Hamilton an Email and that he responded stating that he would speak with me soon. Mr. Boykin also said that he



sent Mr. Hamilton a Second Email and that Mr. Hamilton responded thanking him for the reminder and said that he needed to speak with me but was very busy and would speak with me later. Mr. Boykin then gave me my I-60 back with a response that stated that he would send Mr. Hamilton another Email. I gave that I-60 to Ms. Haynes at Ex: B-033. Later Mr. Boykin told me to write Mr. Hamilton at Coffield Unit, which I did but Mr. Hamilton did not respond to my letter. Mr. Hamilton did not comply with TDCJ policy or the PREA.

On June 13, 2016: I was transferred to Telford Unit for Ad. Seg placement. Due to my experiences at Boyd I was afraid to report my abuse at Telford. I tried to talk to Mental Health about it but I couldn't. I became severely depressed while at Telford at Ex: B-016-17. Mr. Hamilton continued to ignore my I-60(s), letter and the Emails sent to him by Mr. Boykin. So I filed several grievances (at least 3) but the UGI refused to process these grievances. She kept saying that she didn't get them even though I handed one of them directly to her at my cell door. She did not comply with TDCJ policy or the PREA.

On September 15, 2016: I reported all of this to TDCJ-SCC (State Classification Committee) but they just got mad at me and refused to do anything about it. SCC failed to properly document and report my sexual abuse. They did not comply with TDCJ policy or the PREA.

I filed a Step 1 Grievance #2017008169 appealing SCC's decision, but no OPI was conducted. Warden Facio didn't properly document and report my sexual abuse. He didn't comply with TDCJ policy or the PREA at Ex: B-018-19.

On September 19, 2016: I filed an I-60 to Telford's Mental Health Department informing them that I was going on a hunger strike in protest of all of this at Ex: B-020. Despite that they did not properly document and report my sexual abuse. They did not comply with TDCJ policy or the PREA at Ex: A-003-10.



On September 22, 2016: Officer Clark went to my cell and threatened to shove a tray of food up my ass if I didn't end my hunger strike. I feared for my safety and life, and ended my hunger strike. I also stopped reporting my sexual abuse at Telford at Ex: B-020. Mr. Clark did not comply with TDCJ policy or the PREA.

On November 10, 2016: I was transferred to Eastham Unit. On the bus ride to Eastham gang members tried to cut and stab me. When I arrived at Eastham I was afraid to report my sexual abuse due to my experiences at Boyd and Telford.

On December 2, 2016: after I spoke with Eastham's Mental Health Manager Ms. Klock about my Transgender status I sent her an I-60 reporting my sexual abuse and requesting medication for my depression. I also sent Classification a copy of this I-60. They did not respond to my I-60(s). They didn't properly document and report my sexual abuse. And they didn't comply with TDCJ policy or the PREA at Ex: B-025.

On or about December 12, 2016: I filed a Step 1 Grievance on all of this because TDCJ was refusing to comply with the PREA. But the UGI refused to process this grievance. She claimed that she didn't get it. She didn't comply with TDCJ policy or the PREA.

On January 5, 2017: I filed another grievance. But again the UGI refused to process it. She claimed that she didn't receive it at Ex: B-026-28.

On January 21, 2017: I filed another grievance and I told the UGI that I was going to report her at Ex: B-029.

On January 26, 2017: Eastham's UGI processed my Step 1 Grievance #2017079154' which led to the first investigation into all of this at Ex: B-030-31.

On February 8, 2017, Eastham's Safe Prisons PREA officer Ms. Haynes initiated an OPI. She told me that TOCJ-OIG wasn't going to investigate my sexual abuse due to the lapse in time. She was very angry and hostile toward me. She told me that I should've reported my abuse to Mr. Boykin at Boyd. Ms. Haynes and Mr. Boykin are old friends who used to work together at Eastham. I explained to Ms. Haynes that I didn't feel safe reporting my abuse to anyone at Boyd because officers there were telling prisoners that I was a snitch which caused me to be assaulted. I told her that's why I reported my abuse to Mr. Hamilton. I couldn't trust anyone at Boyd. Ms. Haynes asked me for a verbal account of my abuse and after I told her everything she blamed me for being raped. She said I was too passive. She also told me that I couldn't report that James Brown sexually abused me in 2015 because at that time he used threats and intimidation to force me to give him oral sex. She told me that was not sexual abuse because he didn't physically force me to do it. She told me that I could get into trouble for reporting that as sexual abuse. She also told me that I couldn't prove that I was sexually abused in 2016 and if I reported it I would get cases for lying. I no longer wanted to report my sexual abuse but Ms. Haynes told me that I had to write something for her. As I wrote a statement for her she yelled at me that she believed that James Brown was my boyfriend and that I willingly gave myself to him sexually. I told her that I had copies of I-60(s) that I sent to Mr. Hamilton reporting my abuse and pleading for his help. She told me that she wanted those I-60(s). I told her that I had other documents too but she said that she didn't need them because she could get all of the information that she needed from the TOCJ computer. Most of what Ms. Haynes told me was false and misleading. And her threats were illegal. She didn't comply with TOCJ policy or the PREA.

Ms. Haynes then escorted me to Medical for an examination. After Ms. Haynes spoke with L.V.N. Mr. Martin in his office he approached me angrily and asked me why I was just now reporting my abuse. I told him that I reported it several times in 2016. He asked me who I reported it to. And after I told him who, when and where I reported my abuse in 2016 he told me that there was nothing he could do for me. Ms. Haynes then told him that she just needed him to write something for her and she gave him a hand signal. He told her that he would write something for her but whatever he wrote for her is not in my Medical Records. Mr. Martin didn't conduct a medical examination on me. He didn't comply with TDCJ policy or the PREA.

Ms. Haynes then escorted me to Mental Health for an evaluation. When I walked into the office of Mental Health Manager Ms. Klock I asked her: quote: "did you get my I-60?" She responded: quote: "is that what this is about?" To that I nodded my head "yes" at her. She then said: quote: "ok, now we are going to test you." Quote: "it doesn't guarantee that you will get medication, but it will give us an idea of where you are at." She then asked me: quote: "do you want to talk about it?" To that I shook my head "no" at her because Ms. Haynes was standing near by and had already threatened to file cases on me if I reported my sexual abuse. I later discovered that Ms. Klock falsified documents in which she claimed that I never reported my sexual abuse to Mental Health before February 8, 2017 at Ex: B-032. She also falsified other documents in my Mental Health records and denied me proper /adequate Mental Health care. Ms. Klock did not comply with TDCJ policy or the PREA.

Later that day I received a visit from TDCJ-SCFO Attorney Andrew Gastler. When I left my cell for this visit I took the I-60(s) that Ms. Haynes wanted with me. And with Mr. Gastler as my witness I gave the I-60(s) to officer Villanueva for him to deliver them to Ms. Haynes at Ex: B-034.

On February 10, 2017: Ms. Haynes and Eastham's UCC (Unit Classification Committee) (to include Warden Johnson) falsely claimed to have evidence that proved that my sexual abuse did not occur and my OPI was "unfounded" at Ex: B-033, A-015. Due to the threats from Ms. Haynes I didn't attend this UCC-OPI Review. So Ms. Haynes gave me a UCC Notification Of OPI Outcome. I tried to speak with her about the OPI Outcome but she told me that I had to stop reporting my sexual abuse or she would file cases on me "criminal and disciplinary". She also refused to give me my I-60(s) back at Ex: B-033. I asked Ms. Haynes to not write a case on me because I didn't want anyone else to know that I was sexually abused and snitched on my abuser. And I reminded her that I had been assaulted in the past after officers and prisoners labeled me a snitch. Ms. Haynes told me: quote: "if you don't stop reporting this I'm gonna file cases on you". Ms. Haynes and Warden Johnson did not comply with TDCJ policy or the PREA.

On February 28, 2017: TDCJ-OIG Mr. Gardner decided to open another investigation into my grievance. I told him that Ms. Haynes was threatening me but he said that he didn't care about what she said because he had a job to do. He then said that he needed to get a statement from me. Due to the threats from Ms. Haynes I reworded my sexual abuse of 2015 not wanting to call it sexual abuse. I then stopped and told Mr. Gardner that I didn't want to write a statement. But he said: quote: "no, if you want me to go after this guy I'm going after him". Quote: "but I need a statement from you". Mr. Gardner convinced me to finish my statement for him and to press charges on James Brown at Ex: B-035-36. He then asked me for James Brown's TDCJ-CID number. I told him that I didn't have it memorized but I had it in my cell on a disciplinary case. He told me to go back to my cell and send it to him via I-60.

After I participated in Mr. Gardner's investigation Ms. Haynes made good on her threats and filed a false disciplinary case on me at Ex: B-037. The "Disciplinary Procedures Before The Hearing" began and a ranking officer went to my cell door and read the report aloud. This informed the

prisoners around me that I was sexually abused and snitched on my abuser. Prisoners began to laugh, sexually harass and threaten me. This placed my life in danger. At this time I was told that Ms. Haynes filed this case on me because I failed to prove that James Brown sexually abused me. That is not a legitimate reason for Ms. Haynes to charge me with falsely alleging sexual abuse. She only filed this case to get the word out that I was sexually abused and snitched on my abuser because she wanted to label me a snitch to induce prisoners to harass, threaten and harm me. Ms. Haynes did not comply with TDCJ policy or the PREA at Ex: A-003-10, 14-15.

As Mr. Gardner instructed me to, I sent him an I-60 with James Brown's TDCJ-CID number. I also reported to him that Ms. Haynes had filed a disciplinary case on me at Ex: B-039. I reported it to him because I had nobody at unit level that I could turn to for help.

On or about March 1, 2017: a Counsel Substitute went to my cell door and again read Ms. Haynes's report aloud. And again the prisoners around me began to laugh, sexually harass and threaten me. At this time I was told that Ms. Haynes filed this case on me because she conducted a computer search for a prisoner in TDCJ by the name of James Brown and did not find one and therefore charged me with falsely alleging that James Brown sexually abused me at Ex: B-038. That too is not a legitimate reason for Ms. Haynes to charge me with falsely alleging sexual abuse.

TDCJ Safe Prisons PREA Plan page 28 (#4) states: The departure of the alleged assailant or victim from employment of custody of the TDCJ shall not be the basis for terminating an investigation.



TOCJ Safe Prisons PREA Plan page 31 (#8) states: A report of sexual abuse made in good faith based on a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. When the preponderance of evidence exists supporting a false allegation, the offender involved in the false allegation shall be disciplined in accordance with the TOCJ Disciplinary Rules and Procedures for Offenders.

TOCJ policy also required Ms. Haynes to review my previous OPI as part of her investigation/OPI and my only previous OPI clearly identified James Brown as the assailant in that OPI at Ex: B-002, 5.

Furthermore, Nell Sylvia Gaither of Trans Pride Initiative accessed the TOCJ online "Offender Information Search" tool and searched the records for persons in TOCJ custody by the name of James Brown. The search returned "28" hits at Declaration of Nell Sylvia Gaither.

Ms. Haynes clearly retaliated against me for reporting my sexual abuse. She did not comply with TOCJ policy or the PREA.

On March 2, 2017: I was escorted to the Unit Safe Prisons PREA Manager officer Ms. Steel. She was quick to say that they weren't accusing me of lying. She said that they just couldn't find any prisoner in TOCJ's computer by the name of James Brown. I told Ms. Steel about everything that Ms. Haynes did to me and she got mad and blamed me for the misconduct of Ms. Haynes. Ms. Steel accused me of withholding information and documents from Ms. Haynes, which was not true. Ms. Steel then gave me page 2 of the OPI and I wrote a new statement at Ex: B-040. Ms. Steel admits in her OPI that all of James Brown's information was in my previous OPI of May 16, 2016. They had all the information that they needed in "my" records at Ex: B-040 (cf.) at Ex: B-002, 5.



Ms. Steel's OPI contains false and misleading information. She claims that I filed my OPI of May 16, 2016 against James Brown (10) days after he departed the Boyd Unit. A proper review of that OPI clearly shows that the OPI was initiated because Boyd officials received threats against me after James Brown departed the unit. Those threats were from Tango (gang) members - not James Brown at Ex: B-001-11.

Ms. Steel's OPI also contains a statement from Mr. Boykin which also contains false and misleading information. Mr. Boykin claims that I was caught with K2 on 3-22-2016 and he was unable to test it and therefore charged me with possession of contraband (minor case) instead of possession of K2 (major case). The truth is I was caught with K2 on 2-23-2016 at Ex: A-001-2, it was tested, but I didn't get a case at that time because I agreed to be an informant for Mr. Boykin and Mr. Hamilton. But later they reneged on the deal and filed a disciplinary and criminal case on me at Ex: A-001-2. Mr. Boykin also claims that he provided all of his knowledge regarding me while I was assigned to Boyd. But he said "nothing" of the OPI that "he" conducted on me on May 16, 2016 and said "nothing" of the fact that he used me as an informant while I was at Boyd. If anyone withheld information from Ms. Haynes it was Mr. Boykin - not me. Verbally I told Ms. Haynes "everything". And Mr. Boykin didn't withhold my previous OPI of May 16, 2016 from Ms. Haynes. He simply didn't go into it because Ms. Haynes already had that information in my records / TOCD computer.

Ms. Steel knew that the case that Ms. Haynes filed on me was false and retaliatory but she did nothing to stop it. Instead she told me that she too was going to file a case on me. I asked her why and she said: quote: "you wanted our attention and now you're gonna get it". Ms. Steel did not comply with TOCD policy or the PREA.

Ms. Steel then escorted me to Medical for an examination but again L.V.N. Mr. Martin told me that there was nothing he could do for me. Mr. Martin then falsified documents in which he claimed that Ms. Haynes didn't take me to Medical on February 8, 2017, and that there was no record of my sexual abuse taking place until February 8, 2017 at Ex: B-041 (Cf.) at Ex: B-018-20. Ms. Haynes did take me to Medical on February 8, 2017 as she was obligated to do so by TOCJ policy and the PREA at Ex: A-009. Mr. Martin lied and falsified documents during this OPI. He did not comply with TOCJ policy or the PREA.

On March 6, 2017: Ms. Steel's OPI was "unsubstantiated". Warden Johnson told me that there was no evidence to prove or disprove my allegations. This is the same Warden who on February 10, 2017 falsely claimed to have evidence that proved that my sexual abuse did not occur at Ex: B-033.

Ms. Steel then filed a false disciplinary report on me charging me with "engaging in consensual homosexual conduct by self admission on March 2, 2017 at Ex: B-042".

Mr. Herrington then went to my cell door and read Ms. Steel's report aloud, which informed the prisoners around me that I participated in a TOCJ-016 official investigation. Again the prisoners laughed, sexually harassed and threatened me. This placed my life in danger at Ex: B-043, 48.

On March 16, 2017: Ms. Steel lied to my Counsel Substitute by telling her that on March 2, 2017 I admitted to having consensual sex with James Brown and that's why she initiated an OPI at Ex: B-044 (Cf.) at Ex: B-040. I asked my Counsel Substitute to get my OPI statement of March 2, 2017 from Ms. Steel, but Ms. Steel gave her my statement of February 28, 2017 instead at Ex: B-035-36. Ms. Steel retaliated against me for reporting my sexual abuse and other PREA violations. She did not comply with TOCJ policy or the PREA.

Warden Johnson knew what Ms. Haynes and Ms. Steel were doing but did nothing to stop them. Instead, he participated in their actions. He too falsely claimed that I withheld information from them and admitted to having consensual sex with James Brown at Ex: B-046.

Word quickly spread that I was sexually abused and snitched on my abuser. I was labeled a snitch and prisoners sexually harassed and threatened me. I tried to verbally complain to various ranking officers but they told me that I needed to stop complaining before I got myself hurt. I feared for my safety and life. I wanted to report Ms. Haynes and Ms. Steel for retaliating against me but they were threatening me and filing cases on me to label me a snitch and to induce prisoners to harass, threaten and harm me. The Wardens, ranking officers, Medical and Mental Health all knew what was going on but none of them would do anything to stop it because they said that I was making them look bad.

On March 19, 2017: I was told that I was going on Medical Chain to Estelle Unit Brace & Limbs on March 20, 2017. So I filled out a Step 2 Grievance at Ex: B-050-51. At Step 2 I stated that I was dissatisfied with the response at Step 1 because TOCS did not fully comply with the PREA as I requested to resolve my Step 1 at Ex: B-031. Instead, Ms. Haynes and Ms. Steel responded to my Step 1 by retaliating against me. They did not comply with TOCS policy or the PREA.

On March 20, 2017: I dropped my Step 2 in the Grievance Box on my way out to Medical Chain at Ex: B-050-51.

On March 22, 2017: I was returned to Eastham.

On March 24, 2017: I went to see Mental Health Ms. Klock. I told her that Ms. Haynes and Ms. Steel were retaliating against me and that I was depressed about everything that was happening to me. But she refused to do anything to stop it at Ex: B-052. She didn't comply with TOCS policy or the PREA.

On March 24, 2017: Eastham's Disciplinary Captain began a disciplinary hearing on the case that Ms. Haynes filed on me. At this time Ms. Haynes admitted that she didn't speak with me on February 28, 2017 as she alleged in her report at Ex: B-037. And she claimed that she wrote the report because there was no James Brown in the TOCS computer. She said "nothing" about me withholding information from her. She then claimed that there was an emergency at her home and hung up the phone on us. The hearing was recessed. I tried to tell the Captain that the case was false and retaliatory but he said that his officer's word was gold and mine wasn't worth shit. He then told me to keep my mouth shut or he would slam me on my head. He did not comply with TOCS policy or the PREA.

On March 27, 2017: I was reassigned to Estelle (H.S.) Unit. I was told that I was only there for therapy and that I would be returned to Eastham in a few weeks. I was also told that they knew all about my OPI(s).

On May 2, 2017: I was told that I was on commissary restriction but nobody would tell me why. So I filed a Step 1 at Ex: B-053-54, but still TOCS would not tell me why I was on restriction. But I felt that Ms. Haynes and Ms. Steel were behind it.

On May 15, 2017: I wrote to Nell S. Gaither of Trans Pride Initiative and asked her to help me block my return to Eastham due to the retaliation and threats that I was experiencing there.

On June 12, 2017: Tyler Freeland of Trans Pride Initiative filed a complaint with the TOCS Ombudsman on my behalf in which it was requested that I not be returned to Eastham due to the retaliation and threats that I was experiencing there at Ex: B-055-56.

On July 24, 2017: I discovered that I had been placed on commissary restriction due to the case that Ms. Steel filed on me. Eastham transferred the case to Estelle in April and Estelle's Disciplinary Captain Cook ran a hearing on it on April 18, 2017 without notifying me or giving me an opportunity to participate in it at Ex: B-048, 45. Mr. Cook did not comply with TDCJ policy or the PREA. The law library sold me a copy of Ex: B-048, but refused to sell me anything related to the case that Ms. Haynes filed on me.

On August 10, 2017: State Classification Committee (TDCJ-SCC) Bonnie Fiveash told me that she was labeling me "sexually assaultive" and leaving me in Ad. Seg for a long time for reporting my sexually abusive experiences at Boyd at Ex: B-057-58.

On August 16, 2017: I wrote to Trans Pride Initiative and told them about everything that was going on (to include the fact that the law library was interfering with my legal research).

On September 2, 2017: Nell S. Gaither of Trans Pride Initiative filed another complaint with the TDCJ Ombudsman on my behalf at Ex: B-059-66.

On September 21, 2017: I received a letter from Safe Prisons PREA Program Manager Ms. Steinbecker informing me that TDCJ-ORG "unsubstantiated" my allegations of sexual abuse at Ex: B-067.

On October 23, 2017: I received a letter from the TDCJ Ombudsman Ms. Hosea in response to the letter of Nell S. Gaither at Ex: B-068-69. Ms. Hosea told me that all of my allegations had been previously reported and investigated and they would take no further action.

On May 17, 2018: Assistant Region Director Mr. Gross finally informed me that the case that Ms. Haynes filed on me was dismissed and they would take no further action at Ex: B-070-73.

Conclusion

Congress enacted the Prison Rape Elimination Act Prisons And Jail Standards to protect prisoners from the type of actions and inactions that I have described herein. In response to the PREA' TDCJ established the Safe Prisons PREA Program to prevent, detect and respond to sexual abuse, sexual harassment, extortion and other acts of violence perpetrated against an offender/prisoner. However' TDCJ is not fully complying with its policy or the PREA. My constitutional and PREA rights have been violated.

Declaration

I declare under penalty of perjury that the foregoing is true and correct. The attached copies are true and correct copies. Executed at 264 FM 3478 Rd. Huntsville Tx 77320 on April 30, 2019.

*Juan Javier Ornelas*

Juan Javier Ornelas

Certificate Of Service

I hereby certify that a copy of this Memorandum has been served by regular mail upon the attorney for Defendant at: Ken Paxton Attorney General Of Texas P.O. Box 12548 Austin Tx. 78711-2548 on April 30, 2019.

*Juan Javier Ornelas*

Juan Javier Ornelas

TDCJ-CID # 01758617

Estelle (H.S.) Unit

264 FM 3478 Rd.

Huntsville Tx. 77320





STATE OF TEXAS

v.

JUAN J. ORNELAS

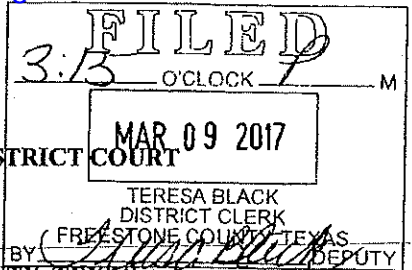
STATE ID NO.: TX04787572

CASE NO. 16-165CR  
INCIDENT NO./TRN: 924-271-0539

77TH JUDICIAL DISTRICT COURT

OF

FREESTONE COUNTY, TEXAS



## JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. Patrick H. Simmons	Date Judgment Entered:	March 9, 2017
Attorney for State:	Cindy Maria Garner, Special Prosecution Unit	Attorney for Defendant:	Andrew Gastler, State Counsel for Offenders

## Offense for which Defendant Convicted:

Prohibited Substance in a Correctional Facility (Synthetic Marijuana—XLR-11)

## Charging Instrument:

INDICTMENT

## Statute for Offense:

38.11 Texas Penal Code

## Date of Offense:

February 25, 2016

## Degree of Offense:

Third Degree Felony (Enhanced to Habitual Status)

## Plea to Offense:

GUILTY

## Findings on Deadly Weapon:

N/A

**Terms of Plea Bargain:** In exchange for Defendant's plea of guilty to the offense set forth above, Defendant will be sentenced to the Texas Department of Criminal Justice—Institutional Division for a term of four (4) years. Defendant shall receive credit on such sentence from the date of Indictment to the date of Judgment. The sentence shall run concurrently with Cause No. 16-166CR, State vs. Juan J. Ornelas, in the 77<sup>th</sup> Judicial District Court of Freestone County, Texas wherein the Defendant is convicted of the offense of Prohibited Substance in a Correctional Facility (Synthetic Marijuana—fluoro—ADB). The sentence shall run consecutively as provided below.

Plea to 1 <sup>st</sup> Enhancement Paragraph:	True	Plea to 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	WAIVED BY STATE
Findings on 1 <sup>st</sup> Enhancement Paragraph:	True	Findings on 2 <sup>nd</sup> Enhancement/Habitual Paragraph:	WAIVED BY STATE

Date Sentence Imposed:	See Date of Judgment	Date Sentence to Commence:	See Date of Judgment
------------------------	----------------------	----------------------------	----------------------

Punishment and Place of Confinement: Four (4) years Texas Department of Criminal Justice—Institutional Division

This Sentence shall run CONSECUTIVELY TO THE SENTENCE ASSESSED IN CAUSE NO. A11372, STATE OF TEXAS VS. JUAN J. ORNELAS, IN THE 216<sup>TH</sup> JUDICIAL DISTRICT COURT OF KERR COUNTY, TEXAS WHEREIN THE DEFENDANT WAS CONVICTED OF THE OFFENSE OF DEADLY CONDUCT.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A.

Fine:	Court Costs:	Attorney's Fees:	Restitution Payable to:
\$ N/A	\$ _____	\$ 0.0	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From 11/30/2016 to Date of Judgment	From _____ to _____	From _____ to _____
----------------	-------------------------------------	---------------------	---------------------

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Freestone County, Texas. The State appeared by her District Attorney.

## Counsel / Waiver of Counsel (select one)

XX Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

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Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

**Punishment Options (select one)**

**XX Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court **ORDERS** Defendant to be confined for the period and in the manner indicated above. The Court **ORDERS** Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court **ORDERS** that upon release from confinement, Defendant proceed immediately to the Office of the District Clerk of Freestone County, Texas. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Office of the District Clerk of Freestone County, Texas. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the Office of the County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

**Execution / Suspension of Sentence (select one)**

**XX** The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference. The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated.

**Furthermore, the following special findings or orders apply:** None

Signed and entered on March 9, 2017.

X   
PATRICK H. SIMMONS,  
JUDGE PRESIDING

Clerk: Office of the District Clerk  
Freestone County, Texas

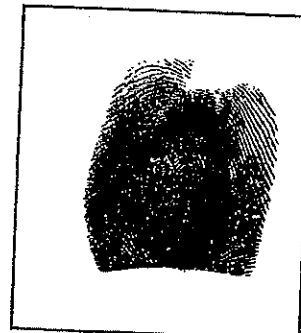
STATE OF TEXAS  
COUNTY OF FREESTONE  
I, Teresa Black, District Clerk of Freestone County, Texas do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, filed on:

3-9-17  
as appears of record in my office, this

25th day of April 20 17  
Teresa Black, DISTRICT CLERK  
FREESTONE COUNTY, TEXAS

*Trusti Rose*

Right Thumbprint



CASE: 20160209164 TDCJNO: 01750617 NAME: ORNELAS, JUAN JAVIER EA: 10.3  
 UNIT: BY HSNG: B2 13 T. JOB: FIELD SQ 02 IQ: 096  
 CLSS: L3 CUST: 64 PRIMARY LANGUAGE: ENGLISH LMHA RESTRICTIONS: NONE  
 GRDE: MA / KB OFF. DATE: 02/23/16 1100 AM LOCATION: BY MISCELLANEOUS  
 TYPE: ID

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT BY B217, OFFENDER: ORNELAS, JUAN JAVIER, TDCJ-ID NO. 01750617, DID POSSESS CONTRABAND, NAMELY, 18 LATEX GLOVE FINGER TIPS THAT CONTAINED A GREEN LEAFY SUBSTANCE.

CHARGING OFFICER: BOYKIN, B. SGT.

SHIFT/CARD: 1 H

OFFENDER NOTIFICATION IF APPLICABLE INTERPRETER,  
 TIME/DATE NOTIFIED: 830 / 03-17-16 BY: (PRINT) *Martinez CS2*  
 YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS  
 NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU  
 PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: *[Signature]* DATE: 03-17-16  
 BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE  
 HEARING OFFICER TO PROCEED WITH THE HEARING.  
 OFFENDER WAIVER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

## HEARING INFORMATION

HEARING DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ UNIT: \_\_\_\_\_ FOLDER: \_\_\_\_\_ FILE: \_\_\_\_\_ DSFILE: \_\_\_\_\_  
 COUNSEL SUBSTITUTE AT HEARING: \_\_\_\_\_ FOLDER: \_\_\_\_\_ FILE: \_\_\_\_\_ DSFILE: \_\_\_\_\_  
 EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART  
 HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN  
 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE  
 EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM  
 HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A  
 WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING  
 WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED:  
 (SIGNATURE) \_\_\_\_\_

OFFENDER STATEMENT: \_\_\_\_\_

OFFENSE CODES: 16.0  
 OFFENDER PLEA: (G, NG, NONE) \_\_\_\_\_  
 FINDINGS: (G, NG, DS) \_\_\_\_\_  
 REDUCED TO MINDR (PRIOR TO DOCKET) \_\_\_\_\_ (DOCKET) \_\_\_\_\_ (HEARING) \_\_\_\_\_ BY: (INITIAL) \_\_\_\_\_  
 IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF  
 GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER.  
 EXPLAIN IN DETAIL: \_\_\_\_\_

## PUNISHMENT

LOSS OF PRIV (DAYS) \_\_\_\_\_ REPRIMAND: \_\_\_\_\_ SOLITARY (DAYS) \_\_\_\_\_  
 \* RECREATION (DAYS) \_\_\_\_\_ EXTRA DUTY (HOURS) \_\_\_\_\_ REMAIN LINE 3. \_\_\_\_\_  
 \* COMMISSARY (DAYS) \_\_\_\_\_ CONT. VISIT SUSP. THRU / / \_\_\_\_\_ REDUC. CLASS FROM \_\_\_\_\_ TO \_\_\_\_\_  
 \* PROPERTY (DAYS) \_\_\_\_\_ CELL RESTR (DAYS) \_\_\_\_\_ GOOD TIME LOST (DAYS) \_\_\_\_\_  
 \* OTS (DAYS) \_\_\_\_\_ SPECIAL CELL RESTR (DAYS) \_\_\_\_\_ DAMAGES/FORFEIT. \$ \_\_\_\_\_  
 SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: \_\_\_\_\_

CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) \_\_\_\_\_ NO / NA  
 DATE PLACED IN PRE-HEARING DETENTION: \_\_\_\_\_ HEARING LENGTH \_\_\_\_\_ (MINUTES)  
 OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: \_\_\_\_\_

HEARING OFFICER (PRINT) WARDEN REVIEWER SIGNATURE  
 (FORM I-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.  
 (REV. 04-10) COMUNIQUESE CON SU CONSEJERO SUB\* TUTO SI NO ENTIENDE ESTA FORMA

EX: A-002

reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18.

#### IV. Reporting Allegations

An OPI may be requested by anyone who has information that an offender may be in need of protection. This information can come from the offender in need of protection, other offenders, the offender's family, TDCJ staff, or others. An OPI shall be conducted in accordance with the procedures outlined in the SPPOM.

##### A. Offender Reporting of Allegations

1. Offenders shall be provided multiple internal methods to privately report sexual abuse, sexual harassment, and other acts of aggression including, but not limited to, extortion and violence.
  - a. Offenders may report retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to the incidents.
  - b. Offenders may report allegations directly to the major, the Office of Inspector General (OIG), or the PREA ombudsman. Reports to the PREA ombudsman may be made confidentially and in accordance with ED-02.10, "Prison Rape Elimination Act Complaints and Inquiries."
2. Appropriate steps shall be taken to ensure offenders with disabilities, including offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities, have an equal opportunity to participate in or benefit from all aspects of TDCJ efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Staff shall provide access to qualified interpreters, when necessary, to ensure effective communication with offenders who are deaf or hard of hearing. Written materials shall be provided in accordance with TDCJ policies and procedures, to ensure effective communication with offenders with disabilities, limited reading skills, or who are blind or have low vision.
3. Offenders with limited English proficiency shall be provided meaningful access to information regarding TDCJ efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

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- a. When seeking interpreters, staff shall not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties described within this plan, or the investigation of the offender's allegations.
  - b. Staff shall follow appropriate TDCJ policies and procedures for obtaining a qualified interpreter.
4. Staff shall accept reports made verbally, in writing, anonymously, and from third parties, and shall promptly document any verbal reports.
5. Third parties, including fellow offenders, staff members, family members, attorneys, and advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to an allegation of sexual abuse, and shall also be permitted to file these requests on behalf of offenders.
  - a. If a third party files a request on behalf of an offender, the unit may require, as a condition of processing the request, the alleged victim to agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process in accordance with the *TDCJ Offender Grievance Operations Manual*.
  - b. If the offender declines to have the request processed on his or her behalf, the decision shall be documented in accordance with the *TDCJ Offender Grievance Operations Manual*.
6. A time limit shall not be imposed on when an offender may submit a grievance regarding an allegation of sexual abuse.
  - a. Time limits to any portion of a grievance that does not allege an incident of sexual abuse shall be managed in accordance with the *TDCJ Offender Grievance Operations Manual*.
  - b. Offenders shall not be required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

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7. In accordance with the TDCJ *Offender Grievance Operations Manual*:
  - a. An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and
  - b. A grievance of this nature shall not be referred to a staff member who is the subject of the complaint.
8. A final decision shall be made on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
  - a. Computation of the 90-day time period shall not include time used by offenders for preparing an administrative appeal.
  - b. If the 90-day time period is insufficient to make an appropriate decision, an extension of up to 70 days may be granted. The offender shall be notified in writing of the extension and a date by which the decision will be made.
9. An emergency grievance alleging substantial risk of imminent sexual abuse shall be filed and managed in accordance with the TDCJ *Offender Grievance Operations Manual*.
10. When an emergency grievance is received, any portion that alleges the substantial risk of imminent sexual abuse shall be forwarded to a level of review for immediate corrective action. An initial response shall be provided within 48 hours of receipt, and a final decision rendered within five calendar days. The initial response and final decision shall document whether the offender is in substantial risk of imminent sexual abuse and the action taken. Information related to this item may be found in the TDCJ *Offender Grievance Operations Manual*.
11. An offender may be disciplined for filing a grievance related to alleged sexual abuse only when the investigation determines the offender filed the grievance in bad faith.
12. At any level of the grievance process, including the final level, if the offender does not receive a response within the allotted time, including any properly noticed extension, the offender may consider the absence of a response to be a denial at that level. A response shall be provided to the offender in accordance with the TDCJ *Offender Grievance Operations Manual*.
13. Staff shall not reveal any information related to a sexual abuse report to anyone other than designated supervisors or officials, and only to the

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extent necessary to make informed treatment, investigative, security, and management decisions.

14. An offender may report allegations verbally or in writing to any staff member pursuant to all standards defined in Section IV of this plan.

B. Staff and Third-Party Reporting of Allegations

1. All staff members shall immediately report, according to TDCJ policy, any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred on a unit, whether or not it is a TDCJ facility; retaliation against offenders or staff who reported an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. A method shall be provided for staff to privately report sexual abuse and sexual harassment of offenders. Staff shall accept reports made verbally; in writing, including by letter, Inmate Request to Official (I-60), sick call form, or a grievance submitted through the grievance process; anonymously; and from third parties. All verbal reports shall be promptly documented.
3. Family members or other individuals may report verbally or in writing to unit administration, the TDCJ Ombudsman office, OIG, or PREA ombudsman office any time they have knowledge of or suspect an offender has been sexually abused, sexually harassed, or requires protection.
4. Unless otherwise precluded by federal, state, or local law, and at the initiation of services, medical and mental health practitioners shall be required to report sexual abuse pursuant to Section IV.B.1 of this plan, and to inform offenders of the practitioner's duty to report, as well as the limitations of confidentiality.
5. Suspected or reported staff-on-offender sexual abuse, staff neglect, or violation of responsibilities shall be reported in accordance with the guidelines in PD-29, "Sexual Misconduct with Offenders."

C. Protection from Retaliation

1. Offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other offenders or staff. The USPPM shall monitor for incidents of retaliation in accordance with the SPPOM.

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2. As appropriate, multiple protective measures may be taken, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offender or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
3. For at least 90 days following a report of sexual abuse, the USPPM shall monitor and document the conduct and treatment of offenders or staff who reported the sexual abuse, and of offenders who were reported to have been victims of sexual abuse, for changes that may indicate possible retaliation by offenders or staff, and shall act promptly to address any retaliation.
4. Monitoring shall include a review of offender disciplinary reports and housing or program changes; and negative performance reviews and reassignments of staff. The monitoring shall continue beyond 90 days if circumstances dictate the need.
5. The monitoring shall also include periodic status checks of offenders.
6. The USPPM on the facility where the incident was originally reported shall coordinate continued monitoring with the receiving USPPM in the event the offender is transferred.
7. If any other individual who cooperates with an investigation expresses a fear of retaliation, the TDCJ shall take appropriate measures to protect that individual against retaliation.
8. If the TDCJ investigation determines the allegation to be unfounded, the monitoring shall be discontinued.

D. Reporting to Other Confinement Facilities

1. After receiving an allegation that an offender was sexually abused while confined at another facility, such as a county jail or out of state facility, the individual taking the initial report shall immediately notify the USPPM. The USPPM shall provide the SPPMO with the details of the alleged incident so the SPPMO may initiate notification to the appropriate office of the outside agency where the alleged abuse occurred.
  - a. The SPPMO shall provide the notification to the appropriate agency as soon as possible, but no later than 72 hours after receiving the allegation.
  - b. The SPPMO shall document the notification.

2. Any TDCJ warden or departmental office receiving notification from an outside agency that an offender in the outside agency's custody alleged sexual abuse while assigned to TDCJ custody shall ensure the allegation is forwarded to the PREA ombudsman in accordance with ED-02.10, "Prison Rape Elimination Act Complaints and Inquiries," for possible investigation.

V. Investigations

A. General Considerations

1. All allegations of sexual abuse shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
2. The protocol shall be developmentally appropriate for youth, where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice Office on Violence against Women publication, *"A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,"* or similarly comprehensive and authoritative protocols developed after 2011.
3. Investigations of sexual abuse and sexual harassment shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
4. Investigations involving allegations of sexual abuse shall be conducted by investigators who have received special training in sexual abuse investigations pursuant to this plan.

B. Response to Reports of Sexual Abuse

1. After learning of an allegation that an offender was sexually abused, the first correctional officers responding to the report shall:
  - a. Notify a security supervisor;
  - b. Separate the alleged victim and assailant;
  - c. Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect any evidence;
  - d. Monitor the alleged victim and assailant to ensure physical evidence is not destroyed, including washing, brushing teeth, changing clothes, urinating, defecating, or eating, if the abuse

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occurred within a time period that still allows for the collection of physical evidence.

- e. Refer the alleged victim and assailant to medical and mental health services for examination and evaluation. If medical and mental health staff are not available at the time the allegation is made, staff first responders shall take preliminary steps to protect the victim and shall notify on-call medical or mental health staff. The nature and scope of treatment shall be determined by medical and mental health practitioners in accordance with CMHC policies and Section II.G of this plan.
  - f. As appropriate, the services of a victim advocate or an OVR shall be made available in accordance with this plan.
  - g. Additional information regarding coordinated response procedures may be found in the SPPOM.
2. If the first staff responder is not a correctional officer, the responder shall monitor the alleged victim to ensure physical evidence is not destroyed, and shall immediately notify a correctional officer.
  3. Any use of protective custody to protect an offender who is an alleged sexual assault victim shall be subject to the requirements of Section III.C.3-7 of this plan.
  4. An administrative and criminal investigation, as appropriate, shall be completed for all allegations of sexual abuse and sexual harassment.

C. Offender Notification by Type of Investigation

1. Allegations of sexual abuse and sexual harassment shall be referred to the OIG for investigation. These referrals shall be documented on the appropriate investigative forms contained within AD-02.15, "Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents," for staff-on-offender allegations and the SPPOM for offender-on-offender allegations.
2. Sexual abuse response and notification procedures contained within this plan and the SPPOM shall be followed to coordinate actions taken in response to an incident of sexual abuse.
3. Offenders shall be notified of relevant information regarding criminal investigations, in accordance with the SPPOM.

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4. If an offender is determined to have been a victim of staff-on-offender sexual abuse, the warden shall inform the offender when:

- a. The staff member is no longer assigned to the offender's unit; or
- b. The staff member is no longer employed by the TDCJ.

5. If an offender is determined to have been a victim of staff-on-offender sexual abuse and the abuse is determined criminal, the SPPMO shall inform the offender when:

- a. The staff member has been indicted on a charge related to sexual abuse within the unit; or
- b. The staff member has been convicted on a charge related to sexual abuse within the unit.

6. If an offender alleges to have been a victim of offender-on-offender sexual abuse, the SPPMO will subsequently inform the alleged victim when:

- a. The alleged assailant has been indicted on a charge related to sexual abuse within the unit; or
- b. The alleged assailant has been convicted on a charge related to sexual abuse within the unit.

7. The TDCJ SPPM shall ensure the relevant criminal information is received from the OIG in order to inform the offender.

8. All offender notifications or attempted notifications described in items 4-6 of this section shall be documented.

9. The requirement to provide offender notification shall terminate if the offender is released from the custody of the TDCJ.

D. Investigators and Investigation Criteria

1. Sexual abuse and sexual harassment investigations alleged against staff shall only be conducted by a staff member with the rank of captain or above. Unit administrators shall ensure the investigating staff member is at least one rank above the accused staff member. If the OIG conducts administrative investigations against staff, the investigation shall be performed in accordance with OIG policies and procedures.

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<p style="text-align: center;"><u>VIDEO</u></p> <p>Cam follows as they walk past &amp; away.</p>	<p style="text-align: center;"><u>AUDIO</u></p> <p>from other violent offenders or gangs. Sometimes this threat of violence can be real, but sometimes, it is created by predators just so they can manipulate you. The protection they offer comes with a price, and the predator will be looking for payment eventually.</p>
<p><b>10</b></p> <ol style="list-style-type: none"> <li>1. Cut to MS OPE screen left</li> <li>2. Dis in CG screen right: <b>Avoid talking about sex and nudity!</b></li> <li>3. Take out CG</li> <li>4. Dis in CG screen right: <b>Don't accept commissary items or gifts!</b></li> <li>5. Take out CG</li> <li>6. Dis in CG screen right: <b>Don't use contraband substances!</b></li> <li>7. Take out CG</li> <li>8. Dis in CG screen right: <b>Avoid secluded areas!</b></li> <li>9. Take out CG</li> <li>10. Dis in CG screen right: <b>Trust your instincts!</b></li> </ol>	<p><u>OFFENDER PEER EDUCATOR:</u></p> <p>Avoid talking about sex and nudity. These things may be considered a come-on and make another offender think you're interested in a relationship.</p> <p>Don't accept commissary items or gifts. This puts you in their debt, and you will be expected to repay.</p> <p>Don't use contraband substances such as drugs or alcohol; these can weaken your ability to stay alert and make good judgments.</p> <p>Avoid secluded areas such as behind furniture or in corners. Try to stay in well lit, public areas of the facility. Position yourself so you can be easily seen by unit staff.</p> <p>Trust your instincts. If you sense a situation may be dangerous, it probably is. If you fear for your safety, report your concerns to staff.</p>

09/05/13

Ex: A-011



10.

<u>VIDEO</u>	<u>AUDIO</u>
<p>11. Cut to MCU OPE</p> <p>12. Dis to classroom, church service, etc.</p> <p>13. Fade to black</p>	<p>Finally, choose the company you keep wisely.</p> <p>Look for people who are involved in positive activities like educational programs, religious services or other structured unit activities. Get involved with these activities yourself and develop relationships with others who are trying to make positive changes in their life.</p>
<p><b>11</b></p> <p>1. Fade up to Charma Blount: CG Charma Blount, Sexual Abuse Nurse Examiner (SANE)</p> <p>2. Dis to WS offender in cell, seated on floor, back against wall, head in hands</p> <p>3. Offender looks up, cam pans across to bed &amp; continues slow pan around cell</p> <p>4. Dis to running shower head</p> <p>5. Cut to CU hand holding toothbrush near faucet</p>	<p><u>CHARMA BLOUNT - SEXUAL ABUSE NURSE PRACTITIONER (SANE):</u></p> <p>If you're the victim of sexual abuse, harassment or assault, you may find it difficult to report your victimization for fear of retaliation,</p> <p>but it is TDCJ policy to act in your best interest and protect you from any additional harm.</p> <p>It's also important to remember that evidence can only be gathered during the first 96 hours after the incident, so it's critical that you notify agency staff as soon as possible and do your best not to disturb the evidence.</p> <p>Don't wash your clothes or your bedding.</p> <p>Don't move anything in your cell or from the location of the assault.</p> <p>Don't take a shower, wipe your body clean, or wash your hands.</p> <p>Don't brush your teeth, rinse your mouth, use the</p>

09/05/13

Ex: A-012

<u>VIDEO</u>	<u>AUDIO</u>
<p>4. Dis in BLOUNT over Shot 2 action</p> <p>5. Dis to offender &amp; CO walking into infirmary</p> <p>6. Dis to MS nurse examining offender</p> <p>7. Nurse w/camera enters &amp; takes pictures</p> <p>8. Cut to investigator enters room</p> <p>9. Cut to nurse looking at investigator</p> <p>10. Cut to investigator nodding</p> <p>11. Cut to nurse opening cabinet &amp; pulling out kit - show kit</p> <p>12. Dis to MS BLOUNT</p>	<p>Try to make mental notes about the time, location and specific details of the event. Conversations and activities leading up to the assault may be critically important to the investigation.</p> <p>You will be escorted to the unit infirmary to receive a medical exam and treatment for any injuries or to prepare you for transfer to an outside medical facility.</p> <p>During the medical exam, you will be checked for injuries in the areas you were abused. Remember, not all injuries can be seen on the outside of your body.</p> <p>Photographs will be taken of any injuries you received.</p> <p>An investigator with the Office of the Inspector General's office</p> <p>will be informed of the situation and</p> <p>will determine</p> <p>if a Sexual Assault Evidence Collection Kit should be utilized.</p> <p>You will also have the option to speak with a mental health professional and a representative trained to counsel victims of sexual assault. Depending on the nature of the situation, you may be placed in another housing location on the unit while the investigation is being completed.</p>
<b>14</b>	

09/05/13

Ex: A-013

14.

<u>VIDEO</u>	<u>AUDIO</u>
<p>1. Cut to <b>Cary Burnett, Peer Education Coordinator</b></p> <p>2. Push in CG: <b>State Classification Committee; TDCJ Classification and Records Department; CID Regional Director's Office; Agency Safe Prisons PREA Compliance Management Office</b></p> <p>3. Push in photo of unit classification committee</p> <p>4. Push in photo of courtroom</p>	<p><u>CARY BURNETT:</u></p> <p>Depending on the nature and severity of the circumstances surrounding the investigation, there could be a number of people involved with your case.</p> <p>Others who may assist in the investigation include members of the State Classification Committee, the TDCJ Classification and Records Department, members of the CID Regional Director's Office, the Agency Safe Prisons PREA Compliance Management Office or other agency staff.</p> <p>Once the investigation is complete, you will appear before a Unit Classification Committee, which may include a warden, a major, a representative from Classification or a ranking security supervisor.</p> <p>Depending on the outcome of the OIG investigation, and if criminal charges are pressed, you may need to testify in court.</p>
<p><b>15</b></p> <p>1. Push in CG title: <b>Offender Protection Investigation (OPI) outcomes</b></p> <p>2. Cut in CG: <b>Substantiated - enough evidence to determine the events occurred</b></p> <p>3. Cut in CG: <b>Unsubstantiated - not sufficient evidence to prove</b></p>	<p><u>BURNETT:</u></p> <p>The results of an Offender Protection Investigation, or OPI, may have three different outcomes:</p> <p>A <b>substantiated</b> OPI means that there was enough evidence to determine that the events occurred;</p> <p>An <b>unsubstantiated</b> OPI means there was not sufficient evidence to prove the alleged events either</p>

09/05/13

EX:A-014

<u>VIDEO</u>	<u>AUDIO</u>
<p>4. Cut in CG: <b>Unfounded - alleged events did not happen</b></p> <p>5. Cut to MS BURNETT</p> <p>6. Cut to CU BURNETT</p> <p>7. Host slides to screen left, CG screen right: <b>housing change; job change; unit transfer; safekeeping; protective custody; no action taken</b></p> <p>Fade out</p>	<p>did or did not occur;</p> <p>And an <b>unfounded</b> OPI means the evidence presented proves that the alleged events did not occur.</p> <p>Once an OPI investigation is complete, there are a number of different actions the unit or State Classification Committee might take. Their recommendation depends on the outcome of the investigation and is intended to work in the best interest of the victim and TDCJ.</p> <p>You will be notified of the outcome of the OPI investigation during the Unit Classification Committee hearing.</p> <p>If you are unable to attend, you will receive a written notice of the outcome. Furthermore, if the Office of Inspector General pursues criminal charges against your assailant, you will be notified of that outcome as well.</p> <p>Recommendations might include a housing change, job change, unit transfer, safekeeping or protective custody, or they may recommend no action at all.</p>
<p><b>16</b></p> <p>1. Fade up to MCU SHARP</p>	<p><u>LYNNE SHARP:</u></p> <p>Those who sexually abuse others while in the custody of TDCJ will be disciplined and prosecuted</p>

<u>VIDEO</u>	<u>AUDIO</u>
<p><b>17</b></p> <p>1. Cut to MS SHARP screen left, CG screen right: <b>TDCJ has a ZERO-TOLERANCE policy!</b></p> <p>2. Change CG: <b>You have a legal right to be free from sexual abuse, sexual harassment, and retaliation for reporting such abuse or harassment.</b></p> <p>3. Cut to MCU SHARP</p> <p>4. Dis to peer counseling session shots</p>	<p>to the full extent of the law. If you are an inmate assailant, you will be monitored by the Safe Prisons/PREA Compliance Management Office and security staff, and you will be referred to Mental Health for a risk assessment, treatment and special management needs. If you feel you need help to stop sexually abusive behaviors, psychological services and programs are available.</p> <p><u>LYNNE SHARP:</u></p> <p>You should always remember that the Texas Department of Criminal Justice has a zero-tolerance policy regarding sexual abuse and sexual harassment, and</p> <p>you have a legal right to be free from sexual abuse, sexual harassment and retaliation for reporting such abuse or harassment.</p> <p>Accusations of sexual abuse are very serious in nature, and each allegation is treated as being unique, and with the highest level of professionalism.</p> <p>Because substantiated allegations result in a severe, negative impact on the predator, false allegations will be taken just as seriously, and when discovered, will result in disciplinary action.</p> <p>If you are interested in learning more about sexual abuse in the prison environment, most TDCJ units</p>

09/05/13

Ex:A-016

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 04/07/2016 09:27 **Facility:** BOYD (BY)  
He did gain weight in 2015 because he stated he was a cook and ate a lot of the food; however, his weight has been a steady size for over a year. His depression claim is related to the fact that he is bisexual and is contemplating telling his mother. He also is a graduate inmate and he finds that it is an effort to keep from his old ways when other inmates "tease me about being homosexual". Offender's stated that his greatest fear was letting his mother down for his homosexual acts, but states that he wants to tell her. MHC invited offender to think about how he would tell his mother over the weekend and come back on Tuesday and process his thoughts. He denied having any suicidal ideations or hallucinations. Continue see as scheduled.

O: Mental Status Exam (may use decision tree)

Level of Consciousness: Alert  
Oriented X 4  
Appearance: Neat and clean, Normal TDCJ attire  
Behavior: Calm and cooperative  
Motor Functioning: No psychomotor agitation  
Speech: Normal rate and volume  
Mood: Euthymic  
Affect: Appropriate to mood  
Thought process: Logical and goal directed  
Thought content: No delusions/hallucinations; appropriate to conversation  
Judgment: Good  
Insight: Good  
Memory: Appears in tact  
SI/Hi: Both denied

A: Diagnostic Impression: MHNCMHN

P:

- ☐ No further intervention indicated at this time. Access to care procedure explained to Offender.  
☐ Refer offender to \_\_\_\_\_ or consultation with other treatment staff.  
☐ Transfer offender to:  
☐ Crisis management/inpatient care, DDP, PAMIO or other mental health facility or program  
☐ Outpatient mental health observation  
☐ Schedule for MHE  
☒ Continue to be seen as scheduled  
☐ Reschedule x

Procedures Ordered:

Date Time	Description	Diagnosis	Comments	Special Instructions
4/7/2016 09:35AM	MH OP SICK CALL/REFERRAL TRIAGE (F)	no current mental health needs		

Electronically Signed by SHELTON, VERONICA MA, MHC on 04/07/2016.  
##And No Others##



**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**MENTAL HEALTH STATUS CHECK/CASEMANAGEMENT**

Patient Name: ORNELAS, JUAN J

TDCJ#: 1758617

Date: 04/15/2016 10:05

Facility: BOYD (BY)

Age: 33 Race: H Sex: male

<b>Patient Language: ENGLISH</b>	<b>Name of interpreter, if required:</b>
----------------------------------	--

**Most recent vitals from 4/7/2016:** BP: 120 / 61 (Sitting) ; Wt: 203 Lbs.; Height: 70.5 In.; Pulse: 76 (Sitting) ; Resp: 16 / min; Temp: 97.2 (Oral) BMI: 29

**Allergies:** NO KNOWN ALLERGIES**Current Medications:**

**IBUPROFEN 600MG TABLET**  
1 TABS ORAL TWICE DAILY for 30  
Days KOP  
TAKE WITH FOOD

ORDERING FACILITY: BOYD (BY)  
ORDERING PROVIDER: WILLIAMS, CARL R

LAST DATE GIVEN KOP: 03/29/2016 08:28:02AM  
REFILLS: 0 / 2

EXPIRATION DATE: 6/22/2016 12:10:00PM

**Seen this date at (time): 0810**

**S:** Offender seen to check mental status. Offender reported: that he is continuing to adjust. Offender is a recent arrival at the unit of which he had completed the grad program. Offender continues to make strides in leaving his past hostile acts behind and maintain a calm attitude. He also continues to struggle in his personal life and sexual preferences while keeping his mother in the "dark" about his preferences. Offender was able to express fears and wants in a safe environment. Offender also understands ATC should he find himself in conflicting situations that may cause him to go against making good decisions. He denied having any SI/HI/AH/VH. See as requested.

**O:** Mental Status/Behavioral Observation (can use decision tree)

Level of Consciousness: Alert

Oriented X 4

Appearance: Neat and clean, Normal TDCJ attire

Behavior: Calm and cooperative

Motor Functioning: No psychomotor agitation

Speech: Normal rate and volume

Mood: Euthymic

Affect: Appropriate to mood

Thought process: Logical and goal directed

Thought content: No delusions/hallucinations; appropriate to conversation

Judgment: Good

Insight: Good

Memory: Appears in tact

SI/HI: Both denied

**A:** MHNCMHN

**P:**   x   Follow up:   as requested    
           Refer to:                           

Procedures Ordered:

LAST: 20160512174 (DELIVER: 01750617 NAME: ORNELAS, JUAN JOSE  
 UNIT/RY: 400R, 01 01 100: PRE-HEARING DETENTION 12: 000  
 CLASS: 13 CRIME: 04 PRIMARY LANGUAGE: SPANISH 1000 RESTRICTIONS: NONE  
 GROUP: MA / MA OFF DATE: 04/26/16 05:45 PM LOCATION: BY DAYTON  
 TYPE: 10

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT BY 3:1 DURING DAYTON, OFFENDER:  
 ORNELAS, JUAN JOSE, DOB: 01/01/1975, DID ENGAGE IN A FIGHT WITHOUT A  
 REASON WITH OFFENDER BROWN, BORN: 01/01/1975, BY STRIKING OFFENDER BROWN  
 SEVERAL TIMES IN THE UPPER BODY WITH CLOSED FISTS. HOWEVER, THE FIGHT DID NOT  
 RESULT IN ANY INJURIES.

CHARGING OFFICER: RUFFY, C. COLT

SHIFT/CARD: 3: 4

OFFENDER NOTIFICATION IF APPLICABLE INTERPRETER,  
 TIME/DATE NOTIFIED: 11/1/16 BY: (PRINT) 11/1/16

YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS  
 NOTICE DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU  
 PLEASE? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: [Signature] DATE: 11/1/16

BY SIGNING ABOVE, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE  
 HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WALKER SIGNATURE: [Signature] DATE: 11/1/16

## HEARING INFORMATION

HEARING DATE: 11/1/16 TIME: 10:00 AREA: FOLD FILE: FILE DESK: DESKCOUNSEL SUBSTITUTION AT HEARINGS: 11/1/16 FOLDER: FOLDER FILE: FILE DESK: DESK

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART  
 HEARING, (2) IF ACCUSED RETURNED WAS CONFINED IN PRE-HEARING DETENTION MORE THAN  
 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE  
 HEARING, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM  
 HEARING (6) IF DEFENDER NOT GUILTY COOPERATION AND/OR CROSS-EXAMINATION OF A  
 WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING  
 WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED:  
 (COUNSEL)

## OUTSTANDING VIOLATIONS

OUTSTANDING VIOLATIONS

AT 0

OFFENDER (LAST, FIRST, MIDDLE) 11/1/16 11/1/16 11/1/16FINGERPRINTS: (S, NS, OS) 11/1/16 11/1/16 11/1/16WARRANT TO INTERVIEW TO DOCKET: DOCKET CHARGES: RY (INITIAL)

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF  
 GUILTY (ADMISSION OF GUILTY, WITNESS'S REPORT, WITNESS TESTIMONY, OTHER,  
 EXPLAIN IN DETAIL)

## PUNISHMENT

LOSS OF PRIV (DAYS) 11/1/16 REFORM: 11/1/16 SOLITARY (DAYS) 11/1/16RECREATION (DAYS) 11/1/16 EXTRA DUTY (HOURS) 11/1/16 REMAIN LINE 3: 11/1/16ACCOMMODATION (DAYS) 11/1/16 CONT. VISIT SUB. THRU 11/1/16 REDUC. CLASS FROM 11/1/16 TO 11/1/16WARRANTY (DAYS) 11/1/16 CELL RESID (DAYS) 11/1/16 GOOD TIME LOST (DAYS) 11/1/16S. DIS (DAYS) 11/1/16 SUFFIC. CELL RESID (DAYS) 11/1/16 DAMAGES/PROPERTY: 11/1/16OFFENSE FACTORS REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: 11/1/16CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) 11/1/16 NO / NODATE PLACED IN PRE-HEARING DETENTION: 11/1/16 HEARING LENGTH: 11/1/16 (MINUTES)OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: 11/1/16HEARING OFFICER (PRINT) 11/1/16 WARDEN 11/1/16 REVIEWER SIGNATURE 11/1/16

RETURN TO 4700 CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

(REV. 04-10) COMBUSTIBLES COM SO CONSIDERED SUSTITUTED SO NO FINGERPRINTS FORM

Ex:A-019

(1)

Texas Department of Criminal Justice  
INSTITUTIONAL DIVISION  
Inter - Office Communications

DISCIPLINARY HEARING OFFICER

Date: 04-27-16

From: Alamkher

CS 2 Subject: WITNESS STATEMENT

TIME: 1530m

CASE# 20160253174

OFFICER: Howard, J

RANK: CO III SHIFT/CARD ASSGN: 2/7

INMATE/OFFENDER:

TDCJ#                      HOUSING ASSIGN:                     

STATEMENT OF FACTS BY WITNESS:

Brown was talking with Kersten it was during a search. I could tell Brown was upset. He went to B-wing and hit Ornelas in the face. I grabbed my radiotocall ICS. From there I did not get to see everything that happened. Other people got there. I had to open doors, answer the phone and use the radio. I did get to see them get sprayed. The offenders were wrapped up around each other and would not separate. At one time they were on the floor. But I do not know if Ornelas got to hit. I was not able to see everything.

interviewed by phone: Alamkher CS2

Entered per A request AK

Ex:A-020

NAME: ORNELAS, JUAN JAVIER DOB: 10-27-1971 EA: 12.7  
 SSN: 107 POB: PR HEARING INTERPRETER: None  
 LANGUAGE: ENGLISH EDUCATION: None  
 EMPLOYMENT: None RESIDENCE: None

OFFENSE DESCRIPTION:  
 ON 04-26-16, OFFENDER ORNELAS, JUAN JAVIER, DOB: 10-27-1971, DID ENGAGE IN A FIGHT WITHOUT A WEAPON WITH OFFENDER BROWN, JAMES DOB: 1981212, BY STRIKING OFFENDER BROWN SEVERAL TIMES IN THE UPPER BODY WITH CLOSED FISTS. HOWEVER, THE FIGHT DID NOT RESULT IN ANY INJURIES.

HEARING OFFICER: RAIFY, J. DALL

SHIFT/CARD: 3 4

OFFENDER NOTIFICATION ON IF APPLICABLE INTERPRETER,  
 TIME/DATE NOTIFIED: 1130/04-26-16 BY: (PRINT) Marknezcs  
 YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: [Signature] DATE: 04-26-16

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: [Signature] DATE: 04-26-16

HEARING INFORMATION  
 HEARING DATE: 5-3-16 TIME: 11:02 UNIT: BY FOLDER FILE: 002 DSFILE: 247420  
 COUNSEL SUBSTITUTE AT HEARING: Am FOLDER: Am FILE: Am DSFILE: Am  
 EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED: (SIGNATURE) [Signature] gathering witness statements

OFFENDER STATEMENT: I feel like I was defending myself from an offender who kept attacking me. I put him down but I  
 OFFENSE CODES: was  
 OFFENDER PLEA: (G, NG, NON) NG  
 FINDINGS: (G, NG, DS) NG  
 REDUCED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIAL)  
 IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER.  
 EXPLAIN IN DETAIL: Due to offender's testimony and witness statement

#### PUNISHMENT

LOSS OF PRIV(DAYS) _____	REPRIMAND..... _____	SOLITARY(DAYS)..... _____
RECREATION(DAYS) _____	EXTRA DUTY(HOURS)..... _____	REMAIN IN LINE 3..... _____
COMMISSARY(DAYS) _____	CONF. VISIT SUSP. THRU / / _____	REDUC. CLASS FROM _____ TO _____
PROPERTY(DAYS) _____	CELL RESTR(DAYS)..... _____	GOOD TIME LOST(DAYS)..... _____
OTS(DAYS)..... _____	COLLISION FEL. RESTR(DAYS)..... _____	DAMAGES/FORFEIT. \$ _____
SPECIFIC FACTUAL BASIS FOR RESTRICTION OR PUNISHMENT IMPOSED <u>n/a</u>		

CREDIT FOR PRE-HEARING DETENTION (YES/NO) n/a NO  
 DATE PLACED IN PRE-ARREST DETENTION 4-24-16 7 (UNIT NO.)  
 OFFENDER SIGNATURE: [Signature] [Signature]

Ex:A-021

OPI Reference offender Ornelas, Juan # 1758617 x-MM aka "Mad Man" - Ber Benny Boykin

Page 1 of 1

## OPI Reference offender Ornelas, Juan # 1758617 x-MM aka "Mad Man"/ Threat of Violence

Benny Boykin

Mon 5/16/2016 2:27 PM

Sent Items

To: Cynthia Tilley [REDACTED]@tdcj.texas.gov; Jerry Heffner [REDACTED]@tdcj.texas.gov; Kevin Benjamin [REDACTED]@tdcj.texas.gov; Jon Harrison [REDACTED]@tdcj.texas.gov;  
Cc: Rachel West [REDACTED]@tdcj.texas.gov; Kevin Stipe [REDACTED]@tdcj.texas.gov; Monika Howard [REDACTED]@tdcj.texas.gov;

On 5-16-2016 anonymous information was received that offender Ornelas, Juan # 1758617 assigned to C-201 on J1 building was going to be assaulted due to the offender population believing he was informing to the administration. Offender Ornelas was interviewed and asked if he felt his life was in danger. He stated he did not know but a rumor was going around that he was a "snitch" ( informant) for the administration. Due to the offender's statement he was placed in transient status and an Offender Protection Investigation was initiated.

Placement: Transient status # 06 cell

Time and date: 5-16-2016 at 1430

Reason: Threat of Violence

Investigator: Sgt. Boykin

Benny Boykin Sergeant

Boyd USTGO

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISONS/PREA PROGRAM  
Offender Protection Investigation**

**Emergency Action Center  
Incident # 1-07304-05-16**

**Section I: Offender Information**

Offender Name: Ornelas, Juan TDCJ#: 1758617 Unit: Boyd

AKA: Mad Man Age: 33 Sex: M Height: 5'8" Weight: 202 lbs. Race: H

Status at the time of the request: Custody: G4 Housing Location: C-201T Work Assignment: Field Sqd #1

Was offender removed from GP during the investigation? ☐ No ☒ Yes If Yes, identify location: #06

Gang status (verify with UCR-07): ☐ Suspected ☒ Confirmed ☐ Monitored Gang Affiliation: x-MM

Sexual Orientation/Gender Identity: ☐ Lesbian ☐ Gay ☐ Bisexual ☐ Transgendered ☐ Intersex ☒ N/A

Date/Time Staff Aware of Possible Protection Situation (start of investigation): Date: 5-16-2016 Time: 1430

**Section II: Current Protection Request Information**

Mark the box that most accurately describes the allegation. Check all that apply when multiple issues exist.

☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☒ Threat of Violence ☐ Retaliation

Date and Time the Alleged Incident Occurred: Date: 4-24-2016 Time: 1800

Incident General Location: ☒ Housing Area ☐ Recreation Yard ☐ Dining Hall ☐ Work Area ☐ Other

Specific Area (explain): C wing on J1 building

Did this incident occur at another unit: (if Yes, indicate unit name): No

Method of report (Check one): ☐ Written ☐ Verbally ☐ Staff ☐ Third Party ☒ Anonymous ☐ Other (explain): N/A

Name of person reporting the situation (if third party reporting): N/A

Was the Office of the Inspector General Notified (OIG)? ☐ Yes ☒ No

Full Name of the OIG Investigator Contacted: Stephen Ham Date & Time: 5-17-2015 @ 1150am

Was the Offender taken to Medical? ☐ Yes ☒ No (If Yes Indicate) Date: N/A Time: N/A

Was the Emergency Action Center (EAC) Notified? ☒ Yes ☐ No (If yes, see text box on top of page to document Incident #)

Full Name of the EAC Staff Contacted: Amber Rash Date: 5-17-2016 Time: 12:09 pm

**Section III: Other Offender Involvement**

Offender Name	TDCJ #	Race	Assailant or Witness (A or W)	Custody Status	Housing Assignment	Gang Code	AKA
1. Brown, James		B	A	G4	Released		N/A
2. Medina, Raymond		H	W	G4	C-114T		N/A
3. Ochoa, Roger		H	W	G4	C-204B		N/A
4. Gutierrez, David		H	W	G4	C-213T		Chuco
5. Alvarez, Gabriel		H	W	G4	C-201B		N/A
6.							



Offender Name: Ornelas, JuanTDCJ #: 1758617**Section IV: Offender Statement** (For completion by offender; staff members shall assist with this section if offender has difficulty reading/writing. Utilize page 6, continuation page for additional pages)Alleged Incident or Complaint: RUMOR IS I AM SWITCHINGWhere did the incident occur? REMO UNIT MED/CUSTODY Date/ Time this occurred? 4-24-2016Were any activities taking place when your situation occurred? ☒ Yes ☐ No (If yes, list activities): SHOW TIME -WE WERE IN THE DAY ROOM - I WAS ATTACKED.....What action do you think should be taken to solve your problem (i.e., Job/Housing Change, Unit Transfer, Safekeeping, Protective Custody, etc.): UNIT TRANSFER / SAFE KEEPING

Offender Statement: I DONT WANT TO LEAVE THIS UNIT BECAUSE I FEEL SAFE HERE - OTHER UNITS ARENT SO SAFE FOR ME. IM GRAD. IM HERE ON A GANG RELATED CRIME AND IM BISEXUAL... SO YOU CAN SEE WHY I WOULD HAVE PROBLEMS ON A LOT OF UNITS... I DONT WANT TO GET HURT OR HURT ANY ONE ELSE. IM NO SAINT - BUT I AM WANTING TO CHANGE MY LIFE ITS JUST HARD. BUT I DONT WANT TO HURT ANYONE OR GET HURT. IF I CAN GO TO PLACE THATS SAFE I THINK THAT WOULD BE BEST. IT WOULD BE A FRESH START AWAY FROM HERE WHERE IM INVOLVED WITH K2 AND STUFF. I WANT TO STOP ALL THAT. IM JUST WORRIED ABOUT BEING PUT ON A UNIT WITH ACTIVE GANG MEMBERS (MEXICAN MAFIA)... IM G4 AND I KNOW G4 AND G5 HAVE A LOT OF GANG MEMBERS. SORRY ABOUT ALL THIS. I KNOW I DONE THIS TO MYSELF...

**Section V: Allegations of Sexual Abuse** (complete this section only following a sexual abuse allegation)

What type of coercion or physical force did the assailant use prior to or during the incident? (Check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Persuasion or talked into sexual activity out of fear | <input type="checkbox"/> Threatened with harm                           |
| <input type="checkbox"/> Bribed or blackmailed.                                | <input type="checkbox"/> Physically held down or restrained in some way |
| <input type="checkbox"/> Was given drugs or alcohol                            | <input type="checkbox"/> Physically harmed or injured                   |
| <input type="checkbox"/> Was offered protection from other offenders           | <input type="checkbox"/> Threatened with a weapon                       |
| <input type="checkbox"/> Other (describe) _____                                |   |

**Section VI: Offender Certification of Allegations**

I have written/read the foregoing statement and it contains all of my complaint(s), all names of witnesses, and all names of individuals to whom I reported the alleged incident. I have stated my preferred remedy for this complaint and a summary of the alleged complaint without coercion or intimidation on the part of TDCJ or any other individual(s).

JUAN J. ORNELAS  
 Offender Printed Name/TDCJ# 01758617
Juan J. Ornelas  
 Offender Signature
5-16-2016

Date

Ernesto Jenkins SgB  
 Staff Witness Printed Name/Title

[Signature]  
 Staff Witness Signature
5-16-2016

Date

Mecheval G. G. USPO  
 Staff Witness and/or Interpreter Printed Name/Title

M. G. [Signature]  
 Staff Witness Signature
5-16-2016

Date

Offender Name: Ornelas, JuanTDCJ #: 1758617**Section VII: Previous Protection Request Facts**Have there been similar incidents or prior protection requests? ☐ Yes ☒ No

If yes, document date of incident/Offender Protection Investigation and unit of assignment on which the incident occurred:

N/A

Check the box describing the final outcome/action taken of the most recent Offender Protection Investigation.

☐ Housing Change ☐ Job Change ☐ Unit Transfer ☐ Safekeeping ☐ Protective Custody ☐ No Action Taken  
☒ Not Applicable (no prior requests) ☐ Other (describe)

N/A

Has the offender had previous assignments in safekeeping or protective custody? ☐ Yes ☒ No ☐ Currently Assigned**Section VIII: Resources/Information Used to Investigate Allegations (Check all that apply and attach copies of only those documents used as evidence. It is unnecessary to copy the UCC History Form, Admission Summary, OPI's and Disciplinary Reports as they are a permanent part of the offender's record.)**☐ UCC History Form UCC committee Date: \_\_\_\_\_ UCC Unit: \_\_\_\_\_☐ Admission Summary and Additional Information☒ Disciplinary Report: Offense Date and Disciplinary Report Number: 20160253174, 20160209164, 20160245085☐ Previous Offender Protection Investigation: OPI date: N/A OPI Unit: N/A☒ Computer Screens: (List and attach screens used)

06. Classification profile

☐ Photo Line-up: Number of Offenders Reviewed: \_\_\_\_\_ (Attach photocopy of line up with TDCJ# below each photo)☒ Offender Witness Statements (Attachment K) Number of statements included: 4☐ Staff Witnesses Statements (Attachment K) Number of statements included: \_\_\_\_\_☐ Medical Reports or Clinic Notes (Attach copy of medical exam(s))☐ Property Forms (list attached forms) \_\_\_\_\_☐ Travel Card☐ Housing Locators☐ Job Rosters☐ Grievance Reports☐ Trust Fund/Commissary History☐ Security Threat Group Staff Statements☐ Unit Safe Prisons/PREA Manager Statement☐ Outside agencies contacted (law enforcement/civilian agencies/county jails)☐ Visitors Lists☐ EAC Reports☒ Other (list sources)

Email initiate OPI

Offender Name: Ornelas, Juan

TDCJ #: 1758617

**Section IX: Additional Information**Has the property of offenders identified as assailants been searched? ☐ Yes ☒ No If yes, identify by name and TDCJ#  
N/ADid the offender make any contradictory statements during the investigation? ☐ Yes ☒ No If yes, describe:  
N/AOther important information:  
N/A**Section X: Investigation Summary (Utilize continuation page 6 for additional writing space)**

On 5-16-2016 anonymous information was received that offender Ornelas, Juan # 1758617 assigned to C-2017 on J1 building was going to be assaulted due to the offender population believing him to be an informant for the administration. Offender Ornelas was summoned to the Security Threat Group office for interview. Offender Ornelas stated that the rumor he was an informant had been circulating around the unit for a while. He stated he was most recently confronted by a black offender on 4-24-2016 that resulted in a fight (verified). He claimed that he had not heard anything in the last few days but the offender appeared to be apprehensive about his situation. Consequently, the decision was made to place the offender in transient status and conduct an Offender Protection Investigation.

Offender Ornelas is a 33 year old Hispanic male G4 custody x-Mexican Mafia aka "Mad Man" admitted bi-sexual serving a 15 year sentence from Kerr County for Evading Arrest, Unlawful Possession of a Firearm by a Felon and Deadly Conduct. Offender Ornelas completed page 2 of attachment J. His written statement reflects he is concerned about his current situation because he is involved with K2 and other stuff as he puts it. He stated he feels he needs a transfer but is concerned about being sent to another unit that has active gang members.

Due to the information received concerning the safety of offender Ornelas, his cell was searched prior to initiating the Offender Protection Investigation. Offender Ornelas had in his possession paraphernalia consistent with the packaging and distributing of synthetic marijuana (K2). No K2 was found, however, it was clear that offender Ornelas who has been caught multiple times on the Boyd Unit with K2 is still a major distributor of that product. He was found with homemade alcohol and a disciplinary case written.

Interviews were conducted with two offenders affiliated with the [REDACTED] assigned to G4 custody. Offender Medina, Raymond # [REDACTED] monitored for affiliation with the San Antonio Tango. Offender Medina confirmed the word among the offender population is that offender Ornelas is a "snitch". He stated the offender has been caught multiple times with K2 and he is still on the unit. He stated anybody else would have been transferred. Offender Medina stated he had not heard that offender Ornelas would be assaulted but offenders were jealous of him because he is openly dealing with K2 and the administration has let it happen.

Offender Ochoa, Roger # [REDACTED] a Confirmed [REDACTED] was also interviewed. He stated that he did not associate with offender Ornelas because everybody knows he is "snitching" to you Boykin. He further stated that he would not lay a hand on him but it was suspicious that a guy that has been caught as many times with K2 as offender Ornelas is still on the unit.

Offender Brown, James # [REDACTED] has been released from TDCJ custody. He was charged with assaulting offender Ornelas on 4-24-2016. According to interviews conducted with offender Brown by security staff the assault occurred because that he thought offender Ornelas had informed on him to security staff. Offender Brown and Ornelas were assigned in the same cell at the time. Security searched the cell and because of offender Ornelas's reputation, offender Brown felt that Ornelas was responsible and consequently assaulted him.

Benny Boykin Sergeant

Investigator's Printed Name/Title

Investigator's Signature

5-16-2016

Date

Offender Name: Omelas, JuanTDCJ #: 1758617**Section XI: Investigation Review (Check all that Apply)****Major or Above**☐ Return to Investigator for additional information Date Returned: \_\_\_\_\_ Time Returned: \_\_\_\_\_

Comments: \_\_\_\_\_

☒ Investigation Complete - (official completion of investigation) Date Completed: 5-18-19 Time Completed: 10:10 AM☒ Forwarded to Unit Classification - Date Forwarded: 5-18-19 Time Forwarded: 10:11 AMReviewing Authority Printed Name/Title K Benjamin MajorSignature K BenjaminDate 5-18-19**Extension Authorization**

The signature below provides authorization to extend the Offender Protection Investigation 72-hours beyond the original 72-hours to collect additional facts and evidence for completion of the investigation.

Justification for investigation extension: \_\_\_\_\_

Major or Above Printed Name/Title \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Section XII: UCC Review and Recommendation (please print clearly)**

Based on the preponderance of evidence contained within the investigation, the UCC determined the allegations of this investigation to be: (When multiple issues exist, select the appropriate investigative outcome followed by the type of allegation.)

☐ **Substantiated** - Based on facts and evidence from the investigation, the incident was determined to have occurred.☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation☒ **Unsubstantiated** - Evidence was insufficient to make a final determination that the incident may or may not have occurred.☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☒ Threat of Violence ☐ Retaliation☐ **Unfounded** - Based on facts and evidence from the investigation, it was determined the incident did not occur.☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation

Note: Ensure a disciplinary case is processed for all substantiated and unfounded outcomes as appropriate.

Committee recommends the following action (Check all that applies):

☐ Housing Change ☐ Job Change ☒ Unit Transfer ☐ Safekeeping ☐ Protective Custody ☐ No Action TakenJustification for decision: Unable to substantiate the threat of violence but, the investigation favors that Omelas has been labeled as an informant. Further more, the fact that offender, Omelas had provided a weapon for protection the full unit administration will his safety may be in jeopardy.

Indicate by TDCJ# the offenders to be noted as not for same unit: \_\_\_\_\_

UCC Chairperson's Printed Name K Benjamin MajorUCC Chairperson's Signature K BenjaminCommittee Date 5-18-19**Offender Acknowledgement**☐ Offender refused to sign ☐ Offender was absent from UCC (Complete "UCC Notification of OPI Outcome" form)

Offender's signature below acknowledges that he or she was present and was made aware of the investigative outcome.

Offender Signature/TDCJ# 01758617

Offender Name: Ornelas, Juan

TDCJ #: 1758617

## Section XIII: Continuation Page (use only as needed)

## Information Provided By

Benny Boykin

Sergeant

Printed Name of Staff or Offender

Rank/Title or TDCJ #

## Additional Information or Comments

Continuation from OPI Page #: 4 Section #: X Page 1 of 1

On 5-17-2016 the Region Contraband Interdiction Team was on the Boyd Unit to search areas of concern identified by the administration. Due the contraband found the previous day on 5-16-2016 in cell C-201 the decision was made to have the team search that area removing light fixtures and wall sockets. In the cell vent a metal rod was found. It was retrieved and found to be 8 inches in length with a sharpened point. A chain of custody was established. The only occupant in the cell at the time of the search was identified as Alvarez, Gabriel # 1904451. Offender Alvarez was questioned and stated he had no idea the item was in the vent. Offender Ornelas was questioned even though he had been moved from the cell on 5-16-2016. Offender Ornelas admitted that the weapon was his and he had placed it in the vent prior to being moved out. He stated he had gotten the weapon to protect himself in the event he got jumped on.

A chain of custody was established on the weapon and the appropriate notifications made to OIG and the Emergency Action Center. The Emergency Action Center assigned incident number # 1-07304-05-16. Offender Ornelas was apprised he would receive a disciplinary case for Possession of a Weapon and be recommended by the unit for Security Detention Administrative Segregation.

Investigation finds that offender Ornelas has been labeled as an informant by other offenders. From interviews it was determined that the fact he has been found with K2 on multiple occasions and is still on the Boyd Unit has caused the offender population to think that he is an informant. Furthermore, the fact that offender Ornelas had procured a weapon for protection certainly leads any prudent individual to think that his safety may be in jeopardy if returned to general population on the Boyd Unit.

Staff or Offender Signature

5-17-2016

Date

SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Gutierrez, David	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 0845	

Report Type: ☐ Witness Statement ☒ Report of Interview (check one)

Offender Gutierrez, David [REDACTED] is an x [REDACTED] assigned to A wing on J1 building. He was interviewed regarding allegations received that offender Ornelas's safety was in jeopardy. He agreed to be interviewed but declined to provide a written statement.

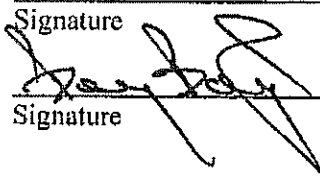
Offender Gutierrez was reluctant to talk but did state the word was that the Tango was going to drop offender Ornelas because they think he is an informant for the administration. He stated the dude has been caught with K2 more than once and he is still on the unit. He stated "what's up with that?"

Report of interview

Witness Printed Name

Benny Boykin

Signature



Date

5-17-2016

Investigator's Printed Name

Signature

Date

Interpreter Printed Name

Signature

Date

Following completion, attach this form to the **Offender Protection Investigation**.



SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Medina, Raymond	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 0900	

Report Type: ☐ Witness Statement ☐ Report of Interview (check one)

Offender Medina, Raymond # [REDACTED] was interviewed regarding any knowledge he might have of any life endangerment issues of offender Ornelas, Juan # 1758617. Offender Medina declined to provide a written statement.

Offender Medina is a G4 custody offender, Monitored for affiliation with the [REDACTED] stated that he had not heard offender Ornelas was to be assaulted but there was a rumor that he was a "snitch". He stated Ornelas had been caught with K2 several times and is still on the unit operating and offenders think he is an informant. He went on to say there were a lot offenders that were jealous of him.

Report of interview

Witness Printed Name

Benny Boykin

Investigator's Printed Name

Signature

Signature

Signature

Date

5-17-2018

Date

Date

Following completion, attach this form to the Offender Protection Investigation.

SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Ochoa, Roger	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 0940	

Report Type: ☐ Witness Statement ☒ Report of Interview (check one)

Offender Ochoa, Roger # [REDACTED] is a G4 custody offender assigned to C wing where offender Ornelas was assigned. He is a Confirmed [REDACTED]. He was questioned about the life endangerment issues being investigated regarding offender Ornelas. He agreed to give a verbal statement but declined to provide a written statement.

Offender Ochoa stated he did not associate with offender Ornelas because he is a "snitch". He stated he had not heard he was to be assaulted. He stated he was not going to bother him but he knew what he was.

## Report of Interview

Witness Printed Name

Benny Boykin

Investigator's Printed Name

Signature

Signature

Date

5-17-2016

Date

Interpreter Printed Name

Signature

Date

Following completion, attach this form to the Offender Protection Investigation.

SPPOM 05.05  
Attachment KTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISON/PREA PROGRAM  
Offender Protection Witness Statement/Report of Interview

Page 1 of 1

Offender Name: Ornelas, Juan	TDCJ #: 1758617	Unit: Boyd
Witness Name: Alvarez, Gabriel	Title/TDCJ #: [REDACTED]	
Date of Interview/Statement: 5-17-2016	Time of Interview/Statement: 1400	

Report Type: ☐ Witness Statement ☒ Report of Interview (check one)

Offender Alvarez, Gabriel # [REDACTED] was interviewed due to him being cellmates with offender Ornelas prior to offender Ornelas being locked up. Offender Alvarez refused to give a written statement.

Offender Alvarez stated he had not been in the cell with offender Ornelas very long and he (Ornelas) never mentioned to him about having any problems. He stated offender Ornelas stayed in the cell a lot but he had not heard about any life endangerment issues.

Report of interview

Witness Printed Name

Benny Boykin

Investigator's Printed Name

Signature

Signature

Signature

Date

5-17-2016

Date

Date

Following completion, attach this form to the Offender Protection Investigation.

## PREA and Transportation Department Abuses

**Recommendation 18: Extend PREA standards to transportation.** TDCJ appears to not hold the Transportation Department to PREA standards because the standards are facility-based, a loophole the agency is unethically allowing. This is very likely a problem, or potential problem, in all prison systems. The existence of this loophole, however, does not abrogate agency responsibilities under section 115.11 to have—as an agency—“zero tolerance<sup>6</sup> toward all forms of sexual abuse and sexual harassment.”

## PREA Confidentiality

**Recommendation 19: Confidential correspondence for anti-violence advocates.** Under PREA Standard 115.53, facilities “shall provide inmates with access to outside victim advocates for emotional support services . . . of local, state, or national victim advocacy or rape crisis organizations . . . in as confidential a manner as possible.” TDCJ and all jails and prisons in Texas should implement a class of confidential correspondence so that community advocates and sex abuse survivor advocates are not required to have an attorney on staff to receive confidential mail from incarcerated persons.

**Recommendation 20: Keep reports of violence confidential.** PREA § 115.61(b) notes that “[a]part from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary.” It is common practice for guards and administration to disclose, directly or indirectly, that someone reported violence or details about the report. Privacy is not respected; one of our correspondents, a transgender woman being transported to a SANE exam after being raped, experienced guards yelling across the yard that she was “going to get her butt checked.” Not only does that disrespect personal privacy rights, it also increases endangerment by announcing she reported a rape. Information is passed to trustees or SSIs (staff support inmates), who provide the information to associates, endangering the lives of anyone filing a report. Staff and investigators discuss reports in non-private settings, such as at a distance with a loud voice through a cell door where others can easily hear, most likely to discourage further reports and encourage the case to be dropped.

## PREA Data Collection and Disclosure

**Recommendation 21: Track and make available disciplinary cases against survivors.** Track disciplinary cases received by all who are associated with reports of violence to identify potential retaliation. The cases should be available to victim advocacy organizations on request.

**Recommendation 22: Monitor transgender housing practices.** Collect aggregate data noting the number of persons in the prison system identified as transgender, the gender of the housing, and the presence or absence of genital reconstruction surgery. Unit level data must be provided to PREA auditors as part of the facility assessment, and audit interviewees must be clearly invited to discuss their housing as appropriate or inappropriate to their gender with PREA auditors. Aggregate data should be available to community advocate organizations on request.

**Recommendation 23: Track persons with non-substantiated reports of violence.** Far too many incidents of sexual violence are found unsubstantiated or unfounded. Each person with an

*continued on page 15*

Ex-B-012

impacts their mental health and they request not to be isolated. We have received numerous non sequitur explanations from TDCJ staff that this is not solitary because it is not for punishment. Solitary confinement is housing as a single occupant with limited human interaction for 22 or more hours a day, regardless of the purpose of that solitary confinement.

**Recommendation 13: Institute independent grievance oversight.** The grievance process at TDCJ is highly problematic and easily manipulated by persons in power at the units. Suggestions from advocates include establishing an Office of Independent Ombudsman or expanding the Texas Juvenile Justice Department Office of Independent Ombudsman to review grievances not handled at the unit level. Regardless of specifics, the grievance process must be made more accountable through strong independent oversight with input from advocates with a vested interest in eliminating abuse and violence in prisons.

**Recommendation 14: End abusive interpretation of PREA § 115.42(g).** Clearly define that placing transgender persons together in a cell does not in itself infringe on prohibitions against “dedicated facilities” under PREA § 115.42(g) and may be the best way to house some transgender persons. Transgender persons should always be provided this option for housing where available.

## Searches

**Recommendation 15: End routine strip searches.** TDCJ and many prison systems engage in routine daily—sometimes multiple times a day—strip searches of persons in certain custody levels. These are conducted so often and unnecessarily that they exceed any legitimate security or penological interest. Unnecessary routine strip searches are a form of sexual abuse and have a disproportionately negative affect on LGBTQ persons, particularly those who have suffered sexual trauma and those for whom such searches increase the likelihood of additional victimization by others. This is especially problematic for transgender persons housed in gender segregated facilities that do not conform to their gender.

**Recommendation 16: Follow PREA search best practice guidelines.** The four options for transgender and intersex persons are: 1) searches are conducted only by medical staff; 2) pat searches of adult inmates are conducted by female staff only, especially given there is no prohibition on the pat searches female staff can perform (except in juvenile facilities); 3) asking inmates/residents/detainees to identify the gender of staff with whom they would feel most comfortable conducting the search, and 4) searches are conducted in accord with the inmate’s gender identity.

## PREA Audit Reports

**Recommendation 17: Require external comments on audit reports where a potential conflict of interest exists.** PREA auditor certification allows employees of correctional agencies to conduct audits, and this is a potential conflict of interest with the Auditor Code of Conduct requirement that “PREA auditors must be independent, objective, and credible in evaluating the extent to which confinement facilities comply with the PREA Standards” (PREA Management Office, 2017, p. 8). Reports for all audits where the lead auditor is a current correctional agency employee or has been an employee of any correctional agency in the past 10 years should be required to include review by an external advocacy agency.

*continued on page 14*

CASE: 20160201695 TDCJNO: 01758617 NAME: ORNELAS, JUAN JAVIER EA: 10.3  
 UNIT: BY HSNB: PHD 06 IOA: TRANSIENT PENDING OPI TRANSFER IQ: 096  
 CLSS: L3 CUST: 3A PRIMARY LANGUAGE: ENGLISH LMHA RESTRICTIONS: NONE  
 GPR: MA / KB OFF. DATE: 05/17/16 11:30 AM LOCATION: BY MISCELLANEOUS  
 TYPE: ID

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT BY J1 BUILDING CELL NO. C-201,  
 OFFENDER: ORNELAS, JUAN JAVIER, TDCJ-ID NO. 01758617, DID POSSESS A WEAPON  
 INTENDED TO BE USED TO INJURE ANOTHER PERSON, NAMELY, AN 8 INCH METAL ROD  
 SHARPENED TO A POINT.

CHARGING OFFICER: BOYKIN, B. SGT

SHIFT/CARD: 1 H

OFFENDER NOTIFICATION IF APPLICABLE INTERPRETER,  
 TIME/DATE NOTIFIED: 115 05-20-16 BY: (PRINT) W. O. R. N. E. L. A. S.

YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS  
 NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU  
 PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: [Signature] DATE: 05-20-16

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE  
 HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: [Signature] DATE: 05-20-16

## HEARING INFORMATION

HEARING DATE: 5/20/16 TIME: 115 UNIT BY FOLDER D FILE 061 DSFILE 747482

COUNSEL SUBSTITUTE AT HEARING: Am FOLDER FILE DSFILE

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART  
 HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN  
 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE  
 EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM  
 HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A  
 WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING  
 WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED:  
 (SIGNATURE) \_\_\_\_\_

OFFENDER STATEMENT: I was removed from C-201, the cell was  
searched, I was searched too, it was found the following day

OFFENSE CODES:

OFFENDER PLEA: (G, NG) NONEFINDINGS: (G, NG, DS)

REDUCED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIAL)

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF  
 GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER.

EXPLAIN IN DETAIL:

B) officer report  
testimony of A & C during the hearing

## PUNISHMENT

LOSS OF PRIV (DAYS) REPRIMAND..... SOLITARY (DAYS)..... 15

\*RECREATION (DAYS) 45 EXTRA DUTY (HOURS)..... REMAIN LINE 3..... RL3

\*COMMISSARY (DAYS) 45 CONT. VISIT SUSP. THRU / / REDUC. CLASS FROM TO

\*PROPERTY (DAYS) CELL RESTR (DAYS)..... 45 GOOD TIME LOST (DAYS).....

\*OTS (DAYS) 45 SPECIAL CELL RESTR (DAYS)..... DAMAGES/FORFEIT \$

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: modify by  
Hebman 3rd Major case w/ last 70 days.

CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) NO (NO) / NA

DATE PLACED IN PRE-HEARING DETENTION: 5-17-16 HEARING LENGTH 9 (MINUTES)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: Am hand restraints

K. S. H. G. T.

HEARING OFFICER (PRINT) WARDEN

REVIEWER SIGNATURE

(FORM I-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

(REV. 04-10) COMUNIQUESE CON SU CONSEJERO SUSTITUTO SI NO ENTIENDE ESTA FORMA

Ex: B-013



Patient Name : WANDA  
 Patient Id : 1758617  
 Patient Phone :  
 Date of Birth : 1-  
 SS# : -- Sex : Male

Ordering  
 Physician : ISBELL, WANDA  
 Facility : BOYD (BY)  
 6 MILES NE ON I84  
 TEAGUE TX 75860

Test Name	Result	ABN Unit Flag	Reference Range	LAB ID
-----------	--------	------------------	--------------------	-----------

Accession: 16H-139C2035 Requisition: C55611046002  
 Drawn: 05/18/16 06:42 Received: 05/18/16 23:36 Reported: 05/19/16 01:08

Procedure: GALV ONLY - HIV TYPE 1 AND 2 ANTIBODY TESTING  
 HIV Interpretive Data:

Negative: 0.00-1.00  
 Reactive: >1.00  
 HIV 1/2 ANTIBODY QUANTITATIVE 0.10 HG  
 HIV 1/2 TESTING Negative Negative HG

Test Performed at: HG  
 UTMB Lab Pathology Clinical Services  
 301 University Boulevard  
 Galveston, TX 77555 Timothy C Allen, MD

L Low, LL Panic Low, H High, HH Panic High, A Abnormal, AA Panic

Ex: B-014

## Lab Data Imported From UTMB - Galveston Lab System

Patient Name : ORNELAS, JUAN J  
 Patient Id : 1758617  
 Patient Phone :  
 Date of Birth : ~~10/18/1960~~  
 SS# : -- Sex : Male

Ordering  
 Physician : ISBELL, WANDA  
 Facility : BOYD (BY)  
 6 MILES NE ON I84  
 TEAGUE TX 75860

Test Name	Result	ABN Unit Flag	Reference Range	LAB ID
-----------	--------	------------------	--------------------	-----------

Accession: 16H-139C2035 Requisition: C55611046003  
 Drawn: 05/18/16 06:42 Received: 05/18/16 23:36 Reported: 05/19/16 01:08

Procedure: HCV ANTIBODY				
HCV ANTIBODY	Negative			HG
HCV ANTIBODY QUANTITATIVE	0.01			HG

Test Performed at: HG  
 UTMB Lab Pathology Clinical Services  
 301 University Boulevard  
 Galveston, TX 77555 Timothy C Allen, MD

L Low, LL Panic Low, H High, HH Panic High, A Abnormal, AA Panic

Ex: B-015

**HEALTH SERVICES DIVISION  
SICK CALL REQUEST**

PART A: (To be completed by offender)

Date: 7-5-16Offender's Name: JUAN J. ORNELASTDCJ No.: 0758617Work Assignment: AD-SEGWork Hours: N/AWing No: 12-F-69Hours: N/AService needed: ☐ Medical ☐ Dental ☒ Mental Health ☐ Other: \_\_\_\_\_Reason for Health Services Appointment: REQUESTING TO SPEAK WITH YOU IN  
PRIVATE - SEVERELY DEPRESSED

How long have you had this problem?

Hours: \_\_\_\_\_

Days: \_\_\_\_\_

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

Signature of Offender

2016 JUL 6

9:55h

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: \_\_\_\_\_

*Appt Scheduled Clinic  
in 1st to psych*  
*[Signature]*  
Date 7/6/16

Medical Staff Member's Signature

HSA – 9 (Rev. 2/12)

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
HEALTH SERVICES DIVISION  
SICK CALL REQUEST**

(4)

PART A: (To be completed by offender)

Date: 8-10-16Offender's Name: Juan Javier OrnelasTDCJ No.: 0758617Work Assignment: Ad-seg.

Work Hours: \_\_\_\_\_

Wing No: 12-F-69Service needed: ☐ Medical ☐ Dental ☒ Mental Health ☐ Other: MHMRReason for Health Services Appointment: Severely depressed, trouble eating and sleeping. I need to talk to you a.s.a.p.

How long have you had this problem?

Hours: \_\_\_\_\_

Days: \_\_\_\_\_

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

2016 AUG 11

8:41

Signature of Offender

*[Signature]*

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: Appt with MHMR scheduled

"Severely depressed, trouble eating sleeping"  
12-F-69  
1st floor MHMR

Medical Staff Member's Signature

Date

Ex: B-016

TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
HEALTH SERVICES DIVISION  
SICK CALL REQUEST

M-H-1

PART A: (To be completed by offender)

Date: 8-18-2016TDCJ No.: 01758617Work Hours: —Offender's Name: Juan Javier OrnelasWork Assignment: Ad. SegWing No: 12-F-69Service needed: ☐ Medical ☐ Dental ☒ Mental HealthReason for Health Services Appointment: not feeling u ill depressed, not eating  
or sleeping n ally, lost 14 lbs...

How long have you had this problem?

Hours: —Days: —

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

2016 AUG 18

8:44

Signature of Offender

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: Appt Scheduled Clinic  
in depressed state  
for appt

Medical Staff Member's Signature

HSA – 9 (Rev. 2/12)

Date 8/19/16

TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
HEALTH SERVICES DIVISION  
SICK CALL REQUEST

PART A: (To be completed by offender)

Date: 2-26-2017TDCJ No.: 01758617Work Hours: —Offender's Name: Juan Javier OrnelasWork Assignment: Ad. SegWing No: C-2-12School H —Service needed: ☒ Medical ☐ Dental ☐ Mental Health ☐ Other: —Reason for Health Services Appointment: Requesting Acetaminophen 325 MG tablets  
for headaches, stomach pain and nausea

How long have you had this problem?

Hours: —Days: —

"In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a \$100 health care services fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee."

Paid in full / Covered till 3/29

Signature of Offender

SCANNED

Part B: (To be completed by medical personnel – Do not write below this line)

Medical Reply: you will be scheduled  
with a provider

RECEIVED FEB 27 2017

Medical Staff Member's Signature

BRIAN M  
2/27/17

Ex: B-017



Texas Department of Criminal Justice

# STEP 1 OFFENDER GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: 2017008169Date Received: 9-16-16Date Due: 10-26-16Grievance Code: 203Investigator ID #: 10282

Extension Date: \_\_\_\_\_

Date Retd to Offender: OCT 11 2016Offender Name: Juan Javier Ornelas TDCJ # 01758617Unit: Telford Housing Assignment: 12-B-77Unit where incident occurred: Telford

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? State Classification Committee When? 9-15-2016What was their response? Stated that I to spend time in ad segWhat action was taken? Remain on current 5 until 3/17

State your grievance in the space provided. Please state who, what, where and the disciplinary case number if appropriate

I would like to appeal the SCC's decision made on 9-15-16. I feel that the decision is invalid and not in harmony with the TDCJ ad seg plan. The review hearing was a rushed mess and in its process my verbal statement was cut short, my documentary evidence was not thoroughly reviewed and errors were made by SCC in documenting my statements and evidence. Furthermore, SCC based their decision on "I weapon possession case" that did not involve any threats or assaults of any kind. I would also like to add that I feel that my documentary evidence was not taken into consideration nor was my disciplinary record (which reflects that I am a non-aggressive offender). I am also a level 1 ad seg offender with a clear disciplinary record while in ad seg. If you review the SCC review hearing record and compare it with my written statement, you will see that I never stated or requested to return to GP as SCC documented. This should show you that the review hearing was truly a rushed mess. This is an injustice. When TDCJ officials do not do their job accordingly, people get hurt. Now this is my life at risk here. I requested to be placed in protective custody or safe keeping and provided documentary evidence to show

that I was being threatened, assaulted, and pressured into doing sexual favors for other offenders in G.P. The offenders who did this to me got commissary restriction but I got thrown in ad seg. How is that fair, right or justifiable? I served my punishment for my bogus weapon possession case. Now I am being subjected to further cruel and unusual punishment. Enough is enough, how much more do I need to suffer? Do you want me to let other offenders rape me? Is that it? I got to let others rape and assault me.

Action Requested to resolve your Complaint.

Requesting 90 day special review/requesting PC or Safekeeper

Offender Signature: Juan Carlos Pineda Date: 5-15-2016

Grievance Response: 9

Information received from Chief of Unit Classification R Walter reveals the decision of State Classification Committee is final however, you will be reviewed again by SCC in 6 months. No further action is warranted.

Signature Authority: [Signature] Facio Date: 5/15/16

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant. Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

#### OFFICE USE ONLY

Initial Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
2 <sup>nd</sup> Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
3 <sup>rd</sup> Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____

Appendix B

Ex. [REDACTED] B-019



I-60

TO: MHMR Telford Unit

Address: 3899 State Hwy 98, New Boston, Tx. 75570

Subject:

I would like to inform you that I will be going on a hunger strike on 9-20-2016 to peacefully protest the following:

- 1) TDCJ's failure to protect me from threats, assaults and sexual abuse, from other offenders.
- 2) TDCJ's failure to respond according to TDCJ's policies and procedures to threats, assaults and sexual abuse done to me by other offenders.
- 3) SCC's decision - made on 9-15-2016.
- 4) The punishment that I am being subjected to. Ad. seg is a form of torture. It is cruel and unusual punishment.
- 5) Telford Units grievance department throwing away my grievances and documentary evidence.

Note:

In case of an emergency contact my mother Rolanda A. Lerma at (830) 370-1423.

Name: Juan Javier Ornelas TDCJ No: 01758617

2016 SEP 22 5:52

INSG: 12-B-77 Date: 9-19-2016

Reply: per Lt. Clerk to breakfast meal 9/22/2016

Hunger strike ended -

Wanda R

(F)

Ex: B-020



## Texas Department of Criminal Justice

# STEP 1 OFFENDER GRIEVANCE FORM

## OFFICE USE ONLY

Grievance #: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Due: \_\_\_\_\_

Grievance Code: \_\_\_\_\_

Investigator ID #: \_\_\_\_\_

Extension Date: \_\_\_\_\_

Date Ref'd to Offender: \_\_\_\_\_

Offender Name: Juan Javier Omelas TDCJ # 01752617Unit: Eastham Housing Assignment: B-2 Row-5 CellUnit where incident occurred: Telford

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Telford Unit officer When? 11-10-16What was their response? If there is any fighting it won't be muchWhat action was taken? Placed me on bus with STG's

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate.

On 11-10-16 on Telford Unit TDCJ officers failed to properly search inmates for contraband and properly secure their restraints in advance of an emergency transport of dangerous 1-seg offenders from Telford Unit to Eastham Unit. Their actions resulted in multiple offenders boarding the bus on Telford Unit armed with razors and homemade shanks and en route to Eastham Unit multiple offenders were assaulted with deadly weapons and other offenders engaged in fights with and without weapons all of which resulted in multiple offenders suffering serious bodily injuries. Some of this was gang related and some of it was not. I file this complaint because I was placed in danger of serious bodily injury and a fear for my life. Prior to being placed on the bus at Telford Unit I spoke with an officer at 12-F-75 (camera check will verify this) about the dangers of placing me on the bus in proximity of known enemies and STG offenders. (I am a STG offender). I feel that this practice is reckless and dangerous. I verbally requested to be separated from STG offenders during transport to Eastham Unit and was denied. I was told that I would be safe because everyone was going to be secured in cuffs, chains and locks. Obviously that did not happen. I continue to be transported and housed with STG's without any regard for my safety and life. I feel that this

27 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix F

Ex. XXXXXX B-021

is a violation of my eighth amendment constitutional right (cruel and unusual punishment clause). I live in constant fear for my safety and life. In TDCJ's restraints and other locking mechanisms can be easily manipulated and security can be breached.

Filed in preparation of litigation / exhausting state remedies.

Action Requested to resolve your Complaint.

Do not house and transport me with known enemies and TDCJ offenders.

Offender Signature: Juan Javier Caselax

Date: 11-14-2016

Grievance Response:

Signature Authority:

Date:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (T-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

1. Grievable time period has expired.
2. Submission in excess of 1 every 7 days. \*
3. Originals not submitted. \*
4. Inappropriate/Excessive attachments. \*
5. No documented attempt at informal resolution. \*
6. No requested relief is stated. \*
7. Malicious use of vulgar, obscene, or physically threatening language. \*
8. The issue presented is not grievable. NOV 14 2016
9. Redundant. Refer to grievance # \_\_\_\_\_
10. Illegible/Incomprehensible. \*
11. Inappropriate. \*

Printed Name/Signature: Delores Washington NOV 14 2016

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

27 Back (Revised 11-2010)

# OFFICE USE ONLY

Initial Submission UGI Initials: SW  
 Grievance #: 2017039811  
 Screening Criteria Used: 08  
 Date Recd from Offender: NOV 14 2016  
 Date Returned to Offender: NOV 14 2016  
 2nd Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 3rd Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_

Appendix

Ex. XXXXXX B-022

Offender Name: Orache, Juan TDCJ #: 1758617 Unit: EA Grievance #: 2017039811

## Emergency Checklist

An Emergency complaint is defined as a written complaint requiring immediate action about matters that would subject the offender to substantial risk of personal injury or cause other serious or irreparable harm for incidents such as sexual assault, requests for protection, extortion, or medical emergencies.

The following checklist may be used to determine if the matter presented in the complaint should be processed as an emergency. It is imperative that the following questions be answered as fairly, impartially and objectively as possible. If the answer is "yes" to questions 1-5, the complaint should be processed as an emergency in accordance with agency policy. When applying Checklist question #6, questions #1-#5, should reflect N/A, and the grievance shall be coded as a regular grievance subject to all screening criteria.

This checklist must be maintained with the grievance in the offender's file (subject to record retention requirements).

1. Does the allegation describe an incident of sexual abuse, sexual assault without that person's consent?  
☐ YES ☒ NO ☐ N/A, see #6
2. Does the allegation describe an incident of unwelcome sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature?  
☐ YES ☒ NO ☐ N/A, see #6
3. Does the allegation describe an unreported use of force or any physical contact that would present a substantial risk to the offender, irreparable harm, or place the offender in serious danger?  
☐ YES ☒ NO ☐ N/A, see #6
4. Does the allegation describe a situation, or a specific threat by a staff member or another offender that would present a substantial risk to the offender, cause irreparable harm, or place the offender in serious danger?  
☐ YES ☒ NO ☐ N/A, see #6
5. Does the allegation involve the denial of treatment that would present a substantial risk to the offender, cause irreparable harm, or place the offender in serious danger?  
☐ YES ☒ NO ☐ N/A, see #6
6. Does the allegation describe an incident that has been previously identified and/or addressed in another grievance?  
☐ YES ☒ NO

Grievance Number: \_\_\_\_\_

If the response to question #6 was yes, were the following actions taken in regards to this incident?

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| • Telephone call to highest ranking security supervisor       | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Immediate written notification (email) to appropriate staff | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Copy of narrative provided to appropriate staff             | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| • Investigation was initiated                                 | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

I have thoroughly reviewed the information that was provided to me. All of the answers given to the above questions are true and correct to the best of my knowledge.

Delores Washington  
Printed Name of Reviewer

Delores Washington WGL-JLL  
Signature of Reviewer

11/19/16  
Date

**Texas Department of Criminal Justice**  
**INSTRUCTIONS ON HOW TO WRITE AND SUBMIT GRIEVANCES**

1. *Grievance forms are available from the law library, housing area, shift supervisors, or by contacting the unit grievance office. After completely filling out the form, place it in the grievance box yourself or hand it directly to the grievance investigator on your unit. Step 2 appeals must be accompanied by the original, answered Step 1.*
2. *An attempt to informally resolve your problem must be made before filing a grievance. Informal resolution is defined as any attempt to solve the issue at hand and must be noted on the Step 1 grievance form (I-127). You have 15 days from the date of the alleged incident or occurrence of the issue presented in which to complete the Step 1 grievance form and forward it to the unit grievance investigator (UGI). The Step 1 process may take up to 40 days from the date the unit grievance office receives the Step 1 form to respond. Disciplinary appeals are required to be completed within 30-days. If you are not satisfied with the Step 1 response, you may appeal the Step 1 decision by filing a Step 2 (I-128). You have 15 days from the date returned to offender on the Step 1 to submit the Step 2 to the grievance investigator on the unit. The Step 2 process may take up to 40 days to provide you a written response or 45 days for medical grievances. Present only one issue per grievance.*
3. *Additional time may be required in order to conduct an investigation at either Step 1 or Step 2 and in either case, you will be notified of the extension in writing.*
4. *Complete your grievance using a typewriter or dark ink. If you need assistance filing a grievance or understanding a response, contact your unit grievance investigator.*
5. *The following issues are grievable through the Offender Grievance Procedure. Remember that you may only file a grievance on issues that PERSONALLY APPLY TO YOU unless you are reporting a sexual assault, sexual abuse, or sexual contact on behalf of another offender.*
  - \* The interpretation or application of TDCJ policies, rules, regulations, and procedures.
  - \* The actions of an employee or another offender, including denial of access to the grievance procedure.
  - \* Any reprisal against you for the good faith use of the grievance procedure or Access to Courts;
  - \* The loss or damage of authorized offender property possessed by persons in the physical custody of the Agency, for which the Agency or its employees, through negligence, are the proximate cause of any damage or loss;
  - \* Matters relating to conditions of care or supervision within the authority of the TDCJ, for which a remedy is available.
6. *You may not grieve:*
  - \* State or federal court decisions, laws and/or regulations;
  - \* Parole decisions;
  - \* Time-served credit disputes which should be directed to the Classification and Records, Time Section;
  - \* Matters for which other appeal mechanisms exist;
  - \* Any matter beyond the control of the agency to correct.
7. *Established criteria that may be applied to regular grievances, to ensure that the offender has used the grievance program responsibly; however, most grievances may be corrected and resubmitted within 15 days from the signature date on the returned grievance.*
  - \* Grievable time period has expired. (Step 1 grievances must be submitted within 15 days from the date of incident and Step 2 Appeals must be submitted within 15 days from the date returned to offender on the Step 1.)
  - \* Submission in excess of 1 every 7 days. (All grievances received in the grievance office will be reviewed, however, only one grievance will be processed every Seven days [with the exception of disciplinary appeals, medical grievances, and emergency grievances].)
  - \* Originals not submitted. (Carbon copies are not considered originals even if they have an original signature. The original answered Step 1 must be submitted with a Step 2 Appeal.)
  - \* Inappropriate/excessive attachments. (Your grievance must be stated on one form and in the space provided. Attach only official documents that support your claim, such as I-60's, sick call requests, property papers, and other similar items)
  - \* No documented attempt at informal resolution. (You are required to attempt to resolve issues with a staff member prior to filing a grievance. Remember, the attempt must be documented in the space provided on the I-127 form.)
  - \* No requested relief is stated. (The specific action required to resolve the complaint must be clearly stated in the space provided.)
  - \* Malicious use of vulgar, indecent, or physically threatening language directed at an individual.
  - \* The issue presented is not grievable. (Refer to #6 above.) Disciplinary appeals will not be processed until after the disciplinary hearing.
  - \* Redundant. (You may not repeatedly grieve matters already addressed in a previous grievance)
  - \* The text is illegible/incomprehensible. (Write your grievance so that it can be read and understood by anyone.)
  - \* Inappropriate. (You may not ask for monetary damages or any form of disciplinary action against staff.)

*Do not use a grievance form to comment on the effectiveness and credibility of the grievance procedure; instead, submit a letter or I-60 to the administrator of the Offender Grievance Program.*

Offender Grievance Operations Manual  
Appendix B  
Revised July 2016

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** Ornelas, Juan **TDCJ#** 1758617 **Date** 12/2/16 **Facility:** EA

**Sex:** Male

**Patient Language:** Name of interpreter, if required: no interpreter available

Seen this date at (time): 1245

S: Offender seen for Clinical Interview as referred by:

Results of Intake and Transfer Mental Health Screening

Results of the Intake Mental Health Appraisal

Mental Health Sick Call/Referral Triage **Date received:**

☒ Staff Referral

☒ Reason for interview and limits of confidentiality were explained to the offender prior to the interview. Informed consent has been obtained and documented in this record.

Reason for referral/presenting problem (if SCR state problem on request): referral form security – pt. claims he is transgender.

Information from clinical interview: States in the free world he lived and thought of himself as a female. When he came to prison, he did not to protect himself. Pt. has been in prison for over 12 years, with no mention until this date of being transgender. Will make referral to further departments. No distress seen. Denied shi.

O: Mental Status Exam (may use decision tree)

**MENTAL STATUS EXAM**

**Appearance**

Age

Appears Stated Age

Stature

Average Height

Weight

Average Weight

Clothing

Clean, Neat

Grooming

Normal

Posture/Gait

Normal

Motor Activity

Unremarkable

**Sensorium**

Attention

Normal

Concentration

Normal

Orientation

Oriented X 4

Recall/Memory

Normal



I-60 Inmate Request To Official

To: Grievance Department Delores Washington  
Eastham Unit

Address: 2665 Prison Rd. #1  
Lovelady, Tx. 75851

Subject:

Requesting Grievance # for Step 1  
filed on: 1-5-2017

Thank you Delores Washington.

Name: Juan Javier Ornelas No: 01758617 Unit: Eastham

Living Quarters: C-2-12 Work Assignment: Ad. Seg

Carbon Copied: Date: 1-9-2017

Disposition:

There is no grievance on file for  
1-5-17.

EX-B-027

To: Grievance Department Delores Washington  
Eastham Unit

Address:

2665 Prison Rd. #1  
Lovelady, Tx. 75851

Subject:

Requesting Grievance # for Step 1  
filed on: 1-5-2017

Ms. Washington, I sent you this same request last week and you told me my Step 1 filed on: 1-5-17 was not received by your office. This is just a follow up to see if that step 1 found its way to your office.

Thank you Ms. Washington.

Name: Juan Javier Ornelas No: 01758617 Unit: Eastham

Living Quarters: C-2-12 Ad. Seg.

Carbon Copied: 1-18-17

Disposition:

This office has not received a go on 1-5-17

*J Holmes*

Case 6:18-cv-00056-ADA Document 54 Filed 05/08/19 Page 186 of 233

**SUBJECT:** State briefly the problem on which you desire assistance.

EX: B-029

O. Washington / T. Hall

I really don't see how my grievances continuously go missing when I file them with your office.

I've dealt with this same issue before on Telford and Boyd Unit.

It's all good. I will get with your wardens here and your Director in Huntsville.

I don't see why you can't pick up grievances at my cell and give me a grievance # right then and there.

That would remedy this problem.

Name: Juan Javier Ornelas ID: 1758617 Unit: Eastham

Living Quarters: C-2-12 Work Assignment: Ad. Sec

**DISPOSITION:** (Inmate will not write in this space)

For guidance for to be read and then put in computer.



## Texas Department of Criminal Justice

# STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY	
Grievance #:	2017079154
Date Received:	JAN 26 2017
Date Due:	03-07-17
Grievance Code:	008
Investigator ID #:	I2474
Extension Date:	
Date Retd to Offender:	

Offender Name: Juan Javier Omelas TDCJ # 01755517  
 Unit: Eastham Housing Assignment: E-2-12 C-2-7  
 Unit where incident occurred: Boyd Unit

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Boyd Units O.I.G investigator When? Ongoing Issue  
 What was their response? No time to talk now, will talk to you later  
 What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Boyd Units O.I.G investigator is purposely ignoring my reports /  
allegations' of sexual abuse. I have sent this individual  
several I-60's/letters reporting that I was sexually abused  
on Boyd Unit and requesting to speak with him. He continuously  
ignores my I-60's/letters and fails to investigate my reports,  
or refuses to do so. Boyd Units O.I.G investigator is responsible  
for investigating all allegations of sexual abuse on Boyd Unit  
immediately. This is a failure to respond reasonably and  
according to the PREA Law and TDCJ's PREA/Safe Prison Plan.  
He not only refuses to do the required "minimum" such as  
interview me (the victim) and my victimizer, document the  
reports, ect', -he refuses to do anything at all. He is purposely  
ignoring me' and I dont know why. I have also reported  
this to: SCC on Telford Unit on 9-15-2016, MHMR on Telford  
Unit on 9-22-2016, UCC on Eastham Unit and MHMR on Eastham  
Unit, and I have filed several grievances on this issue  
(however all of my grievances on this issue keep on  
disappearing' and I dont know why). JAN 26 2017

Action Requested to resolve your Complaint.

Requesting that Boyd Units O.I.G investigator and TDCS fully comply with the PREA Law.

Offender Signature: Juan Javier Carreles

Date: 1-21-2017

Grievance Response:

An investigation was done concerning your allegations. There are no records found by any auxiliary or department on the Boyd Unit concerning your claims of being sexually abused at anytime by another Offender while assigned to the Boyd Unit. An offender was found who fit the description of the alleged assailant but is no longer incarcerated in the Texas Department of Criminal Justice. However, it is the decision of the Office of the Inspector General to open a case for further investigation if needed. At this time there is no further action warranted.

Signature Authority:

Cynthia D. Wiley

Date:

3-7-2017

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely Affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_



**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 02/08/2017 14:45 **Facility:** EASTHAM (EA)

       Mental Health Sick Call/Referral Triage **Date received:**  
  X   Staff Referral  
  X   Reason for interview and limits of confidentiality were explained to the offender prior to the  
  X   interview. Informed consent has been obtained and documented in this record.

Reason for referral/presenting problem (if SCR state problem on request):  
 Referral from security due to sexual assault in March of 2016.

Information from clinical interview: pt. reports he is depressed about being involved in sexual assault nearly a year ago. He will not describe the incident and there is no reference to it in his chart despite his report of discussing it with MH before. He reports to being depressed which he described as "down and out, not having any energy". No signs of depression or distress seen. He is not on the MH caseload. Will schedule for PAI testing for further evaluation. Denied s.hi.

O: Mental Status Exam (may use decision tree)  
 MENTAL STATUS EXAM

Appearance  
     Age  
         Appears Stated Age  
     Stature  
         Average Height  
     Weight  
         Average Weight  
     Clothing  
         Clean, Neat  
     Grooming  
         Normal  
     Posture/Gait  
         Normal  
     Motor Activity  
         Unremarkable  
 Sensorium  
     Attention  
         Normal  
     Concentration  
         Normal  
     Orientation  
         Oriented X 4  
     Recall/Memory  
         Normal  
 Relating  
     Eye Contact  
         Normal  
     Facial Expression  
         Happy

C212

SPPOM 05.05  
Attachment MTEXAS DEPARTMENT OF CRIMINAL JUSTICE  
SAFE PRISONS/PREA PROGRAM  
UCC Notification of OPI Outcome

Incident #

Offender Name

TDCJ #

This notification is to advise you of the Offender Protection Investigation outcome that was performed on your behalf under the above referenced Incident #. The UCC decision that was made is based on the preponderance of evidence contained within the investigative report and supporting documents. The UCC determined the investigation to be:

- ☐ **Substantiated** – Based on facts and evidence from the investigation, the incident was determined to have occurred.  
☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation
- ☐ **Unsubstantiated** – Evidence was insufficient to make a final determination that the incident may or may not have occurred.  
☐ Extortion ☐ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation
- ☒ **Unfounded** – Based on facts and evidence from the investigation, it was determined the incident did not occur.  
☐ Extortion ☒ Sexual Abuse ☐ Sexual Harassment ☐ Violence ☐ Threat of Violence ☐ Retaliation

UCC Chairperson's Printed Name

UCC Chairperson's Signature

Committee Date

Statements  
were put with  
investigations  
along with I-605  
J. Haynes

Ex: B-033



## State Counsel for Offenders

Texas Department of Criminal Justice

P.O. Box 4005

Huntsville, TX 77342-4005

(936) 437-5203

April 19, 2017

Mr. Juan Ornelas  
#1758617  
Estelle Unit  
264 FM 3478  
Huntsville, TX 77320-3320

Mr. Ornelas

I contacted prosecutor Cindy Garner and Ben Gardner of OIG regarding your documents. Mr. Gardner maintains that he has never come into possession of any documents from you or the law librarian.

I, of course remember you handing off the documents to the ranking officer. While Investigator Gardner has suggested that he might follow up on the issue, I believe your best course of action is to contact the law librarian yourself. Then again, remember that if an OIG investigation is still in progress, you might not receive your original copies until the investigation is concluded. It is also possible that the documents are in the possession of your local PREA representative.

I regret that I have so far been unable to track down your files. Please let me know if there is anything more I can do to assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Gastler", written over a horizontal line.

Andrew Gastler  
Staff Attorney

State Counsel for Offenders

Ex: B-034



Texas Department of Criminal Justice  
OFFICE OF THE INSPECTOR GENERAL

CRIMINAL CASE  
OFFENDER - WRITTEN STATEMENT

STATEMENT OF X. Juan Javier Ornelan  
GIVEN THIS 28<sup>th</sup> DAY OF Feb, 2017 AT 1:50 O'CLOCK ☐ AM ☒ PM  
My name is X. Juan Javier Ornelan and I am currently incarcerated  
in the Eastman Unit Unit of the Texas Department of Criminal Justice.  
My Offender number is 0758617, and my Date of Birth is 10/13/82

I am freely and voluntarily making the following statement. I understand that I am not a suspect in a criminal case based on the subject matter of my statement. I further understand that I am not the subject of any Disciplinary Rules Violation case based upon the subject matter of my statement. I have not been forced or coerced into making this statement, further I have not been promised anything in return for making this statement. This statement is true and correct and voluntarily given. I first met James Brown at Bond Unit C wing. We has sexual relations at that time. Later I was moved to B wing. That's when I stopped dealing around with James Brown. I ended up getting caught on B wing with K2. To try to get out of trouble I made a deal with TDCJ officers and org. The TDCJ officer that help set up the deal later on told inmates of the deal. At that time I had returned to B wing. That was in March of 2016. That's when James Brown started to pressure me into doing sexual favors for him in return for protection from inmates who wanted to kill me.

Subscribed And Sworn To Before Me By:

X. Juan J. Ornelan  
Signature

X. Juan Javier Ornelan  
Printed Name

On this the 28<sup>th</sup> day of Feb, 2017

Notary Public In and For The State of Texas

OR

Witness:

Signature

Police Officer's Signature

Printed Name

Printed Name, Rank, and ID Number

Page \_\_\_\_ of \_\_\_\_

## Office of the Inspector General

(Continuation)

Voluntary Statement of: \_\_\_\_\_

for giving info to the OIG. I gave him oral sex about 3x in the shower at R Wing and then later on he demanded anal sex x2. I didn't want this to happen especially not the anal sex. But when I told James Brown that I didn't want to do anal he got mad and punched me in the back of the head. I reported this to the OIG assigned to Boyd Unit at the time but he never responded. On 4/24/2016 James Brown physically attacked me and assaulted me and was given a case for it. About 2 weeks later I was placed on OPI status. At that time two emails and one letter was sent to the OIG assigned to Boyd Unit and still no reply. I do want to try to press charges on James Brown.

Subscribed And Sworn To Before Me By: \_\_\_\_\_

*[Signature]*  
Signature  
Juan Javier Ornelas  
Printed Name

On this the \_\_\_\_\_ day of \_\_\_\_\_

Notary Public In and For The State of Texas

OR

Witness: \_\_\_\_\_

Signature

Police Officer's Signature

Printed Name

Printed Name, Rank, and ID Number

Page \_\_\_\_\_ of \_\_\_\_\_

CC-0147 (07/2005)



OLD DISCIPLINARY REPORT AND HEARING RECORD  
 CASE: 20170130/04 TUEJUN01/2017 NAME: ORNELAS, JUAN JAVIER EAT: 10.3  
 OFFICER: HNSG: D-2 JOB: SEC DET LEVEL 1 ID: 096  
 CLASS: C3 CUST: 1A PRIMARY LANGUAGE: ENGLISH LANA RESTRICTIONS: NONE  
 GND: MR / BR OFF. DATE: 02/28/17 12:30 PM LOCATION: EA MISCELLANEOUS  
 TYPE: 10

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT EA AD-SEC OFFICE, OFFENDER, ORNELAS, JUAN JAVIER, (DOB: 11/01/1961), DID MAKE A FALSE STATEMENT TO OFFICER L. HAYNES, AD-SEC PRISONING OFFICER DURING AN OFFICIAL INVESTIGATION, SPECIFICALLY, ALLEGING HE WAS SEXUALLY ASSAULTED BY A MALE OFFENDER (JAMES BROWN) BETWEEN MARCH AND EARLY APRIL 2015, BUT COULD/WOULD ONLY IDENTIFY AS OFFENDER BROWN AS A BLACK MALE AGE 29 OR 30, KNOWING AT THE TIME SUCH STATEMENT WAS FALSE, CHARGING OFFICER HAYNES, L. H. H. SHIFT/LARD: 1 H.

DEFENDER NOTIFICATION: 10/15/17 11:00 AM (10/15/17) ADVISE: INTERPRETER, YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES / NO, HOW DO YOU PLEAD? GUILTY / NOT GUILTY.

OFFENDER NOTIFICATION SIGNATURE: DATE: 3/1/17

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WRITTEN SIGNATURE: DATE: 3/1/17

## HEARING INFORMATION

HEARING DATE: TIME: UNIT: FOLDER: FILE: DS FILE:

COUNSEL SUBSTITUTE AT HEARING: FOLDER: FILE: DS FILE:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING, (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING, (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED. (SIGNATURE)

## OFFENDER STATEMENT

OFFENSE ADDRESS: 25.0

OFFENDER PLEA: (G, NO, NONE) \_\_\_\_\_

FINDINGS: (G, NO, DS) \_\_\_\_\_

REASON(S) FOR DETERMINATION OF GUILTY: (GUILTY) (HEARING) BY (INITIALS)

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILTY: ADMISSION OF GUILTY, AD OFFICER'S REPORT, WITNESS TESTIMONY, OTHER. EXPLAIN IN DETAIL.

## PUNISHMENT

LOSS OF PRIVACY(S) \_\_\_\_\_ REPRIMAND \_\_\_\_\_ SOLITARY (DAYS) \_\_\_\_\_

RECREATION (DAYS) \_\_\_\_\_ EXTRA DUTY (HOURS) \_\_\_\_\_ REMAIN LINE 3 \_\_\_\_\_

COMMUNICARY (DAYS) \_\_\_\_\_ COMM. NIGHT SUPP. THRU \_\_\_\_\_ REDUC. CLASS (FROM) \_\_\_\_\_

PROPERTY (DAYS) \_\_\_\_\_ CELL RESTRICT (DAYS) \_\_\_\_\_ GOOD TIME LOST (DAYS) \_\_\_\_\_

OUTSIDE(S) \_\_\_\_\_ SPECIAL CELL RESTRICT (DAYS) \_\_\_\_\_ DAMAGES/FORFEIT. \_\_\_\_\_

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED:

CREDIT FOR PRE-HEARING DETENTION TIME? YES (DAYS) \_\_\_\_\_ NO / NA

DATE PLACED IN PRE-HEARING DETENTION: HEARING LENGTH: (MINUTES)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT:

HEARING OFFICER (PRINT) WARDEN

REVIEWER SIGNATURE

FORM 1 - A CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

FORM 1 - A CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

EX B-037



two years. Information regarding not guilty findings shall only be used for legal or grievance issues.

IV. Major Disciplinary Hearing: Procedures Before the Hearing

A. Notice of Charges

- I. Offenders shall be served with notice of disciplinary charges by a counsel substitute at least 24 hours prior to the hearing and within 30 days of discovery of the alleged violation. The hearing shall be classified as major prior to notice being served, or the accused offender shall be given 24 hours from the time the offender is notified that the hearing is classified as major until the hearing is conducted.
2. Notice after 30 days shall be allowed only if unforeseen circumstances arise, such as the offender is temporarily transferred to another unit, and the warden's written approval, including the reasons for the delay, is obtained before the offender is served with notice.
3. Offenders may not be subject to any form of coercion designed to persuade them to waive the right to 24-hour notice. If offenders are offered the opportunity to waive 24-hour notice, they shall be fully informed, in terms intelligible to them, of the nature of the rights at stake. The DHO shall record on the recording of the hearing an offender's decision to waive the right to 24-hour notice.
4. An offender accused of disciplinary charges may waive attending the disciplinary hearing. At the time of notice of charges, the offender shall be asked if the offender wishes to attend the hearing. The offender's decision (yes or no) shall be documented on the Disciplinary Report and Hearing Record. If the offender elects not to attend the hearing, the offender shall be asked for a plea, and then advised that if the offender later decides to attend the hearing, the offender shall submit a written request to the DHO before the hearing is held. The DHO shall review the offender's decision to waive attending the hearing, conduct the hearing in the offender's absence, and document the absence on the report by writing: "Offender waived attending the hearing."
5. Notice of the charges shall include a copy of the Disciplinary Report. Items of information which, if disclosed to the accused offender, would seriously jeopardize the safety of other offenders shall not be provided to the accused offender.
6. At the time an offender is served with notice pursuant to a major disciplinary hearing, the offender shall be informed of the right to present documentary evidence and to request witnesses. The offender shall be informed that a counsel substitute will be assigned unless the offender waives representation. The offender's decision shall be noted on the Service/Investigation Worksheet, along with the names of the witnesses requested, and the information shall be given to the DHO. However, either the offender or the counsel substitute may

inform the DHO at any time prior to and at the hearing of any changes to the list of witnesses requested. Offenders who are not assigned counsel substitutes shall be allowed to communicate directly with a reasonable number of potential witnesses in advance of the hearing.

7. The investigation report shall be attached to the disciplinary report and submitted to the DHO.
8. An offender who successfully appealed a disciplinary conviction may be served with notice of a rehearing, if at the initial hearing the offender was served with notice of charges timely and was given a timely disciplinary hearing. A rehearing may not be conducted on an overturned conviction for which an offender did not receive either notice of charges or a disciplinary hearing within the established time limits. The 30-day time limit for serving the offender with notice begins on the date of the decision granting the appeal. After notice has been served, the rehearing shall be held in accordance with established time limits.

#### B. Counsel Substitutes

1. Assignment - Counsel substitutes are non-uniformed employees who represent offenders in disciplinary hearings by advocating on behalf of the offender and keep related records. Offenders shall be provided with counsel substitutes prior to a major hearing when any of the following are met. This requirement does not apply to state jail offender disciplinary hearings, except when state jail offenders are brought before major hearings for assessment of monetary damages for destruction of state property.
  - a. When the offender is developmentally disabled as defined in the *Developmentally Disabled Plan*, for example has a WAIS-R full scale IQ of 73 or below, a Vineland Score equivalent to an IQ of 73 or below, and a social history indicative of retardation. Additionally, a counsel substitute shall be assigned when the offender's mental ability to understand and respond to disciplinary charges and proceedings is questionable, even though the offender is not developmentally disabled as defined in the *Developmentally Disabled Plan*.
  - b. When the offender is assigned to a psychiatric inpatient facility or has been placed on an outpatient psychiatric caseload.
  - c. When the offender's literacy or understanding of English is questionable. A counsel substitute shall be assigned in every case in which the offender's Educational Achievement score is below 5.0 on reading.
  - d. When the offender, because of the complexity of the issue, shall be unlikely to be able to collect and present the evidence necessary for an adequate comprehension of the case.

O.I.G. Eastham Unit

(2-28-2017)

RE: Juan Javier Ornelas TDCJ # 01758617

Sir' here is James Brown's TDCJ # 01981212

If I may' I would like to express that I did my best to report this matter a long time ago sir'. Its not my fault that I was repeatedly ignored. I reported everything to O.I.G Alexander Hamilton in April and May of 2016 and then to SCC on Telford Unit in September of 2016 But they ignored me. So' I went on a hunger strike. Still I was ignored.

When I came to Eastham Unit in November of 2016 I reported everything again to MMR and UCC. Still I was ignored. All of this is documented sir'. Finally' after I filed 2 grievances on this' an investigation was started by L. Haynes here on Eastham. She now claims that I lied about everything and wrote me a disciplinary case. If my earlier reports were responded to according to the PREA Law' there might have been enough evidence to convict James Brown back then. But instead' now I am being given a disciplinary case because L. Haynes claims that I cant prove the sexual abuse that I reported. All I ever wanted was TDCJ to protect me and place me in safe keeping. But they dont seem to want to do that. I dont understand any of this sir. None the less' I do appreciate whatever you can do to help me. Thank you and God Bless you.

Ex: B-039

Offender Name: Ornelas, Juan

CJ #: 1758617

## Section XIII Continuation Page (use only as needed)

## Information Provided By

Susan Steel

USPPM / CO V

Printed Name of Staff or Offender

Rank/Title or TDCJ #

## Additional Information or Comments

Continuation from OPI Page #: 4 Section #: X Page 1 of 2

A review of the UCR 22 screen (Prior Disciplinary Record) showed Offender Brown did received a disciplinary offense on 4-24-16 for 2.21.0 - Fighting Without a Weapon against Offender Ornelas. It was also discovered that Offender Brown departed the Boyd Unit on 5-6-16 enroute to Hutchins State Jail to be discharged 5-13-16. Further it was discovered that Offender Ornelas filed the OPI against Offender Brown on 5-16-16, ten (10) days after Offender Brown departed the Boyd Unit and twenty two (22) days after the assault.

Offender Ornelas was interviewed by Officer Steel, USPPM in the Ad Seg Office on 3-2-17 at 9:15 am and was asked why did he not provide all the information on the previous OPI and why did he not report the incident when he filed his OPI on the Boyd Unit on 5-16-16. Offender Ornelas stated "He did not feel comfortable talking to anyone and he did not trust anyone". Offender Ornelas also stated that he sent two (2) I-60's to Alexander Hamilton, OIG at the Boyd Unit but never received a response from him, he also stated he reported it to SCC in September of 2016 at the Telford Unit when he was transferred. Offender Ornelas stated that Officer Boykin, STGO Sgt. at the Boyd Unit had sent him two emails and then was told to write him at the Coffield Unit but never received a response. Offender Ornelas also stated to Officer Steel that he had provided a statement to Mr. Gardner, OIG - Eastham Unit on 2-28-16. Offender Ornelas was given the page 2 of the Offender Protection Investigation to complete. Photo's of Offender Ornelas was taken at 9:50 am and was escorted to medical at 9:55 am. Duty Warden Vaughn was notified at 9:55 am. Ben Gardner, OIG was notified at 10:15 am and Stacy Salle of Emergency Action Center was notified at 10:59 am and stated due to Offender Ornelas' allegations being the same but only providing additional information, use the same EAC #I-02319-02-17 but complete an update on the EAC.

On February 8, 2017, Officer Haynes contacted STG Sgt Boykin in reference to Offender Ornelas' allegations and obtained a witness statement from him. Sgt. Boykin's statement is as follows: Offender Ornelas, Juan #1758617 was assigned to the Boyd Unit for the time period beginning 7-17-15 and ending 6-10-2016. Offender Ornelas is an Ex-Mexican Mafia member having completed the GRAD program. Offender was found with K2 on 3-22-2016. Due to being unable to test the substance the offender was charged with Possession of Contraban. He was later found again with a substantial amount of K2 and charged with a Code 12.0 on 4-21-2016. I had several conversations with the offender during this time as he claimed he wanted to provide information regarding the K2 being introduced into the unit. I arranged for the offender to speak with an OIG Investigator from the Coffield Unit. During the numerous interviews, Offender Ornelas told me he was afraid of getting transferred from the Boyd Unit due to his sexual orientation (claimed he was gay). He stated he knew on a large unit he would have problems because he used to be MM. Offender Ornelas at no time ever indicated or stated that he had been sexually assaulted on the Boyd Unit to me. Offender Ornelas was found in possession of a weapon on 5-20-2016 and was subsequently placed in Administrative Segregation and transferred from the unit. This statement is the extent of my knowledge regarding Offender Ornelas while he was assigned to the Boyd Unit. (See attached)

On March 2, 2016 at 10:15 am, I, Officer Steel interviewed Mr. Gardner, OIG in reference to Offender Ornelas. Mr. Gardner stated that Offender Ornelas was interviewed on 2-28-17 at 1:50 pm and provided a written statement regarding sexual allegations on James Brown while assigned to the Boyd Unit. Mr. Gardner stated that this information was referred to Mr. Lee Duran, OIG at the Boyd Unit and Case #170000248 had been issued. Mr. Gardner also provided a copy of Offender Ornelas' written statement to OIG. Offender Ornelas' written statement to OIG states: "I first met James Brown at Boyd Unit C Wing. We had sexual relations at that time. Later I was moved to B Wing. That's when I stopped fooling around with James Brown. I ended up getting caught on B Wing with K2. To try to get out of trouble I made a deal with TDCJ Officers and OIG. The TDCJ Officer that help set up the deal "later on" told inmates of the deal. At that time I had returned to B Wing. That was in March of 2016. That's when James Brown started to pressure me into doing sexual favors or him in return for protection from inmates who wanted to kill me for giving info to the OIG. I gave him oral sex about 3X in the shower at B Wing and then later on he demanded anal sex x2. I didn't want this to happen especially not the anal sex. But when I told James Brown that I didn't want to do anal he got mad and punched me in the back of the head. I reported this to the OIG assigned to Boyd Unit at the time but he never responded. On 4-24-2016 James Brown physically attacked me and assaulted me and was given a case for it. About 2 weeks later I was placed on OPI status. At that time two emails and one letter was sent to the OIG assigned to the Boyd Unit and still no reply. I do want to try to press charges on James Brown". (See attached)

Staff or Offender Signature

March 2, 2017

Date

**Correctional Managed Care  
Urgent / Emergent Care Record**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 03/02/2017 12:40 **Facility:** EASTHAM (EA)

x	R		L	x	Use of accessory muscles	Last BM:		Mottled		R	L	Flaccid					
<b>Bleeding</b>						<b>Abdomen</b>			Cyanotic	<b>Leg Strength</b>							
x	None				Soft			Jaundiced	x	R	L	x	Normal				
	Controlled				x	R	L	x	Firm		R	L	Weak				
	Excessive					R	L		Distended		R	L	Flaccid				
Location:						R	L	Wheezes	x	Obese	Ortho	x	N/A	<b>Pupils</b>			
Est. Blood Loss						R	L	Diminish		Tender	Deformity	x	Equal				
cc:						R	L	Absent	Location:		Swelling	Unequal					
<b>Capillary Refill</b>					<b>GU</b>	x	N/A		Rebound		Location	x	R	L	x	Reactive	
x	Normal				Burning			<b>Bowel Sounds</b>			ROM			R	L	Nonreactive	
	Delayed				Frequency			Normoactive			x	Full		R	L	Dilated	
<b>Edema</b>					Urine Odor			Hyperactive			Limited				R	L	Constricted
Upper					Hematuria			Hypoactive			Absent				R	L	Fixed
0 1+ 2+ 3+					Incontinent			Absent									
	R		L		Anuric			NG/G tube			Name			Time			
Lower					Vag. Discharge			Initial Assessment			s. martin LVN			10:05			
0 1+ 2+ 3+					Vag. Bleeding			Completed By:									
	R		L		Catheter												

**\*\*Contact Provider\*\***

Name of Provider Notified:	DR. Hall MD	Time:	
Provider Orders:	Referrer to Mental Health and OIG ,		
Orders obtained and read back/verified by: (Name)	S. Martin LVN		

Time	Nursing Notes	Initials
10:00	Pt. was brought in clinic by security due to had given more info on an sexual assault that happen to him 3-16. Pt. has seen mental health on 2-8-17 due to security brought pt. to them due to claiming he was sexual assaulted back in 3-16. Had no record of the assault taking place until 2-8-17. Pt. was not seen by medical for assault until 3-2-17. Pt. has seen medical many times and no mention of being assaulted until now. Pt. denying any mental issues.	

**Details of abnormal findings and ongoing assessment and care.**

**VITAL SIGNS**



Informal Resolution App?	
Accusing Officer	Y <input checked="" type="radio"/> N
Supervisor	Y <input checked="" type="radio"/> N

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

## OFFENSE REPORT

20170207590

Case No.	
Interpreter Required?	Y <input checked="" type="radio"/> N
MHMR Rest?	Y <input checked="" type="radio"/> N
PHD	Y <input checked="" type="radio"/> N

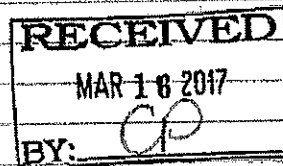
(1) TDCJ- No: 1758617 (2) Offender: Ornelas, Juan J. (3) Unit: EA  
 (Last Name, First)  
 (4) Housing Assign: C-2-12 (5) Job Assignment: Sec det level I  
 (6) Offense Level, Code Title: Level 2 Code 20.3-Engaging in Consensual Acts w/ others  
 OFFENSE DESCRIPTION: On 3/2/17 at 10:15 AM/PM, and at OIG Office  
 (7) date (8) time (9) Enter Specific Location

Offender Ornelas, Juan J. TDCJ No. 1758617  
 did engage in a consensual sexual act with James Brown # [REDACTED] by engaging in homosexual conduct, by self admission in a written statement.

## (10) Additional Information:

On the date & time listed above, Offender Ornelas, Juan J. #1758617 did engage in a consensual sexual act with James Brown # [REDACTED] by self admission in a written statement. (See Attached Statement)

Said offender was identified by his TDCJ ID Card.



(Continue on an additional sheet if necessary)

(11) Witnesses: n/a  
 (12) Accusing Officer/Employee Printed Name/Rank J. Steel, USPPM  
 (13) Signature: [Signature] (14) Shift/Card 1/H (15) Date 3/6/17 (16) Time 8:55 AM  
 (17) Approving Supervisor's Printed Name: J. Harrington (18) Date 3/6/17  
 (19) Grading Official (Print) Bobman (20) Rank Sgt (21) Date MAR 16 2017  
 (22) Grade: (Circle One) IR UP M MA (23) Justification to override Informal Resolution:

Ex-B-042



TEXAS DEPARTMENT OF CRIMINAL JUSTICE  
PRELIMINARY INVESTIGATION REPORT

This report is to be completed on each Offense Report for review by the grading official. The purpose of this report is to obtain any other pertinent information about the incident prior to grading the Offense Report. The Preliminary Investigation should not be completed by the charging officer or a person involved in the incident.

Offender: Ornelas, JuanTDCJ No. 1758617Date & Time Investigation started: 3/6/17 1155 AM

1. ELEMENTS OF CHARGE. Does the offense description support the elements of each charge (the things that had to be done in order to commit an offense). If "no," have charging officer add needed information.

Offense Code 20.3 : Yes ☒ No ☐Offense Code \_\_\_\_\_ : Yes ☐ No ☐Offense Code \_\_\_\_\_ : Yes ☐ No ☐Offense Code \_\_\_\_\_ : Yes ☐ No ☐

2. ADDITIONAL INFORMATION. Has the charging officer included supporting information or evidence to supplement the standardized pleading such as items listed below? (Write "Yes", "No", or "NA" [not applicable] by each item)

NO

a. listing other witnesses to the incident,

YES

b. documentary evidence, e.g., photographs of contraband, etc.

YES

c. additional information about the offense.

3. ACCUSED OFFENDER STATES THAT: (Printed and signed interpreter's name if applicable)

Not Guilty

4. ACCUSING OFFICER states that said offender did engage in a consensual act with another

5. WITNESS STATEMENTS (List employee or offender name and attach statements to report)

NONE

6. DOCUMENTATION. Documents reviewed (lay-ins, appointments, medical records, etc)  
[ ] lay-ins, [ ] Roster, [ ] Medical Records, [ ] Picture, [ ] Other (List & attach to report)

See attached CC-0147J. Herrington

Name of Investigating Officer (Print)

Sgt

Rank

3/6/171200 PM

Date &amp; Time Investigation Completed

7. INFORMAL RESOLUTION was not appropriate or not possible because:

engaging in consensual acts with others will not be toleratedJ. Herrington

Approving Supervisor's Printed Name

Sgt

Rank

3/6/17

Date

USOSP000  
EA - 2742T.O.D.J.  
SERVICE INVESTIGATION WORK SHEET2017/03/16  
08:34:30

CASE#: 20170207590, TOLL # 01758617, NAME: DARNELAS, JOAN JAVIER

3. THE ACCUSED REASONS AND/OR DEFENSES HAVE BEEN LOGICALLY AND SYSTEMATICALLY INVESTIGATED AS FOLLOWS:

- A. 3-16-17, REVIEWED CASE  
 B. 3-16-17, INTERVIEWED ACCUSED  
 C. NAME OF INTERPRETER USED: NA

D) contacted AOE) reviewed documentsF) obtained CSOI

7

Invest Term.  
3-24-17, CONCLUDE INVESTIGATION

4. ON 3-16-17, THE ACCUSED OFFENDER PRESENTED NON-FRIVOLOUS EVIDENCE, THE CHARGING OFFICER/STAFF WITNESS WAS PRESENTED WITH A SUMMARY OF THE ACCUSED STATEMENT, ADDITIONAL STATEMENT IS AS FOLLOWS:

During a investigation D admitted to having  
consensual sex acts with offender Brown and  
a opi was conducted

5. LIST THE PORTIONS OF THE INVESTIGATION THAT APPEAR TO SUPPORT THE CHARGES MADE AGAINST THE ACCUSED:

1-210AO SMHdocuments

6. LIST THE PORTIONS OF THE INVESTIGATION THAT APPEAR TO SUPPORT THE ACCUSED REASONS, AND/OR DEFENSES:

D SMHCOUNSEL SUBSTITUTE PRINTED NAME: AwarerTITLE: CSICOUNSEL SUBSTITUTE SIGNATURE: AwarerDATE: 3-24-17

CS-10.11A

REVISED 08/2005

CSDSP0040  
EA - 2742I.D.C.J.  
HEARING WORK SHEET2017/03/16  
08:54:30

CASE#: 20170207590, IDCJ # 01758617, NAME: ORNELAS, JOAN JAVIER  
 CURRENT UNIT: EA, HOUSING: C-2 0/ A, CLASS: L3, CUSTODY: 1A, TYPE: S,  
 OFFENSE DATE: 030217, TIME: 10:15 AM, LOCATION: EA MIS MISCELLANEOUS  
 CHARGING OFFICER: STEEL, S. USPPM SHIFT/CARD: 1/H,  
 OFFENSE CODES: A) 20.2, B) , C) , D) ,  
 DESCRIPTORS: A) SM, B) , C) , D) ,  
 PLEA: A) , B) , C) , D) ,  
 FINDING: A) , B) , C) , D) ,  
 DRG: RC, CS: RS, SERVICE DATE: 3-10-17  
 HEARING DATE/TIME: 4-11-17/11:05AM WAIVE 24 HRS YES: NO: SERVICE TIME: 9:10am

A. ACCUSED OFFENDER'S STATEMENT AT HEARING: A AbsentB. CHARGING OFFICER'S STATEMENT: Not CalledC. CROSS EXAMINATION/QUESTIONS: N/A

D. HEARING NOTES: 1) A Absent 2) Transfer case from EA  
3) Entered No written statement as evidence  
4) No entry into CS09 - objection

WITNESSES: None  
 DOCUMENTARY EVIDENCE: documents, CS09  
 E. OBJECTIONS: YES X NO     IF YES, EXPLAIN: A Absent / findings  
Guilty

F. SUMMATION/MITIGATION: cooperative  
definitely  
no court 20.3 x 180 days

OFFENDER ORNELAS, JOAN JAV WOULD YOU LIKE TO SAY ANYTHING ELSE? YES    , NO X

CB CHECK LIST: Not Present

	YES	NO	N/A		YES	NO	N/A
OFFENDER PRESENT	<u>✓</u>			NON-FRIVOLOUS EVIDENCE		<u>✓</u>	
CS-14	<u>✓</u>			CROSS EXAMINATIONS		<u>✓</u>	
INTERPRETER USED			<u>✓</u>	CREDIT (PHD)			<u>✓</u>
				MODIFICATION	<u>✓</u>		
				APPEALABLE		<u>✓</u>	
				DRUG TEST DISCLAIMER READ			<u>✓</u>

INTERPRETER'S NAME: na  
 SANCTIONS ASSESSED:

LOSS OF PRIV.		REPRIMAND		SOLITARY	
RECREATION		EXTRA DUTY		REMAIN L 3	<u>✓</u>
COMMISSARY	<u>15</u>	CONT. VISIT THRU		REDUC CLASS FROM	TO
PROPERTY		CELL REST	<u>15</u>	GOOD TIME LOSS	
OIS		SPECIAL CELL		DAMAGES	

CS-12

REVISED 05/2014

Texas Department of Criminal Justice  
INSTITUTIONAL DIVISION


Inter - Office Communications

To: DISCIPLINARY HEARING OFFICER Date: 3.24.17

From: Auxiler CS Subject: WITNESS STATEMENT

TIME: 12:25 pm CASE# 20170207590  
OFFICER: Johnson P. RANK: Warden SHIFT/CARD ASSGN: 1-1+  
INMATE:/OFFENDER: — TDCJ# — HOUSING ASSIGN: —

STATEMENT OF FACTS BY WITNESS:

during the investigation the ~~Δ~~ ~~did not~~  
~~give any information~~ did admit in a written  
stmt. to have engaged in a consensual  
act. with Jame Brown. # 

CS050000

I.D.U.I.

2017/05/16

EA - 2742

## SERVICE INVESTIGATION WORK SHEET

08:34:20

CASE#: 20170207590, TDCJ # 01/50617, NAME: ORNELAS, JUAN JAVIER  
 CURRENT UNIT: EA, HOUSING: C-2 07 B, CLASS: L3, CUSTODY: 1A, TYPE: S,  
 OFFENSE DATE: 030217, TIME: 10:15 AM, LOCATION: EA MIS MISCELLANEOUS  
 CHARGING OFFICER: STEEL, S. USPPM  
 OFFENSE CODES: A) 20.3, B) 1, C) 1, D) 1  
 DESCRIPTORS: A) SM, B) 1, C) 1, D) 1  
 PLEN: A) 1, B) 1, C) 1, D) 1  
 CLERK RCD: 031617, SERVICE LAPSE DATE: 040117, SERVICE DATE: 3-10-17  
 CS ASSIGNED: awaleer, SERVICE TIME: 9:10am

COUNSEL SUBSTITUTE HAS BEEN APPOINTED BECAUSE:

- ☒ A. ACCUSED IN ANY FORM OF SEGREGATION ad seg  
☐ B. EA BELOW 5.0 TO BELOW 73  
☐ C. LITERACY IS QUESTIONABLE  
☐ D. ACCUSED HAS DIFFICULTY UNDERSTANDING ENGLISH  
☐ E. ACCUSED HAS REQUESTED COUNSEL SUBSTITUTE  
☐ F. ACCUSED HAS REQUESTED WITNESS WHO CAN NOT ATTEND THE HEARING  
☒ G. COMPLEXITY OF CASE WARRANTS COUNSEL SUBSTITUTE

- A. OFFICER'S REPORT CLEARLY DESCRIBES THE INCIDENT IN QUESTION: YES ☒ NO ☐  
 B. CHARGES LISTED WERE REVIEWED WITH REFERENCE TO TDCJ DISCIPLINARY RULES AND PROCEDURES: YES ☒ NO ☐  
 C. OFFENSE DESCRIPTION IN REPORT SUBSTANTIATES EACH OF THE ALLEGED OFFENSES WERE VIOLATED: YES ☒ NO ☐  
 IF NO, EXPLAIN: na

1. THE ACCUSED WAS INFORMED OF THE FOLLOWING RIGHTS: YES NO  
☒ A. TO CALL AND QUESTION WITNESSES ☒  
☒ B. TO PRESENT DOCUMENTARY EVIDENCE ☒  
☒ C. TO BE REPRESENTED BY COUNSEL SUBSTITUTE ☒  
☒ D. TO CALL AND QUESTION THE CHARGING OFFICER AT THE HEARING ☒  
☒ E. THE ACCUSED STATES HE/SHE UNDERSTANDS REPORT, CHARGES AND RIGHTS ☒  
☒ F. THE ACCUSED STATES HE/SHE WISHES TO ATTEND HIS/HER HEARING ☒

2. THE ACCUSED REASONS AND/OR DEFENSE:

see attachedA. REQUESTED WITNESSES: see attachedB. REQUESTED DOCUMENTARY EVIDENCE: none



## TDCJ DISCIPLINARY REPORT AND HEARING RECORD

CASE: ~~20170207590~~ TDCJNO: 01758617 NAME: ORNELAS, JUAN JAVIER EAT 10.3  
 UNIT: EA HSNB: ~~22~~ ~~67~~ ~~67~~ 62/10 JOB: SEC DET LEVEL I 10: 096  
 CLSS: L3 CUST: 1A PRIMARY LANGUAGE: ENGLISH LMAA RESTRICTIONS: NONE  
 BRDE: MA / BN OFF. DATE: 03/02/17 10:15 AM LOCATION: 6A MISCELLANEOUS  
 TYPE: ID

## OFFENSE DESCRIPTION

ON THE DATE AND TIME LISTED ABOVE, AND AT EA 016 OFFICE, OFFENDER: ORNELAS, JUAN JAVIER, TDCJ-ID NO. 01758617, DID ENGAGE IN A CONSENSUAL ACT WITH JAMES BROWN #1981212, BY ENGAGING IN HOMOSEXUAL CONDUCT, BY SELF ADMISSION IN A WRITTEN STATEMENT.

CHARGING OFFICER: STEEL, S. USPPM

SHIFT/CARD: 1 H

TIME/DATE NOTIFIED: 9:10am 3.16.17 OFFENDER NOTIFICATION IF APPLICABLE INTERPRETER, BY: (PRINT) awaller CSI

YOU WILL APPEAR BEFORE HEARING OFFICER 24 HOURS OR MORE AFTER RECEIPT OF THIS NOTICE. DO YOU WANT TO ATTEND THE HEARING? YES NO IF NO, HOW DO YOU PLEAD? GUILTY NOT GUILTY

OFFENDER NOTIFICATION SIGNATURE: *[Signature]* DATE: 3.16.17

BY SIGNING BELOW, YOU GIVE UP YOUR RIGHT TO 24 HOUR NOTICE AND AUTHORIZE THE HEARING OFFICER TO PROCEED WITH THE HEARING.

OFFENDER WAIVER SIGNATURE: *[Signature]* DATE: *[Signature]*

## HEARING INFORMATION

HEARING DATE: 4-18-17 TIME: 11:05 UNIT: E2 FOLDER: D FILE: 103 DSFILE: 241882

COUNSEL SUBSTITUTE AT HEARING: Smith FOLDER: FILE: DSFILE:

EXPLAIN BELOW BY NUMBER: (1) IF COUNSEL SUBSTITUTE WAS NOT PRESENT DURING PART HEARING, (2) IF ACCUSED OFFENDER WAS CONFINED IN PRE-HEARING DETENTION MORE THAN 72 HOURS PRIOR TO HEARING, (3) IF ACCUSED WAS EXCLUDED FROM ANY PART OF THE EVIDENCE STAGE, (4) IF ANY WITNESSES OR (5) DOCUMENTATION WAS EXCLUDED FROM HEARING (6) IF OFFENDER WAS DENIED CONFRONTATION AND/OR CROSS-EXAMINATION OF A WITNESS AT THE HEARING (7) IF HEARING WAS NOT HELD WITHIN SEVEN DAYS, EXCLUDING WEEK ENDS AND HOLIDAYS, FROM THE OFFENSE DATE AND, (8) IF INTERPRETER USED:

(SIGNATURE) ① transfer case from Ea

OFFENDER STATEMENT: NO STMT

OFFENSE CODES: 20.3

OFFENDER PLEA: (G, NG, NONE) NA

FINDINGS: (G, NG, DS) 4

REDUCED TO MINOR (PRIOR TO DOCKET) (DOCKET) (HEARING) BY: (INITIAL)

IF GUILTY, EVIDENCE PRESENTED, CONSIDERED, AND REASON(S) FOR DETERMINATION OF GUILT: A) ADMISSION OF GUILT, B) OFFICER'S REPORT, C) WITNESS TESTIMONY, D) OTHER.

EXPLAIN IN DETAIL: B officers report D written statement & written statement by the offender

## PUNISHMENT

LOSS OF PRIV(DAYS) REPRIMAND..... SOLITARY(DAYS).....

\*RECREATION(DAYS) EXTRA DUTY(HOURS)..... REMAIN LINE 3.....

\*COMMISSARY(DAYS) 45 CONT. VISIT SUSP. THRU / / REDUC. CLASS FROM TO

\*PROPERTY(DAYS) CELL RESTR(DAYS)..... 15 GOOD TIME LOST(DAYS).....

\*DYS(DAYS) SPECIAL CELL RESTR(DAYS)..... DAMAGES/FORFEIT. \$

SPECIFIC FACTUAL REASON(S) FOR PARTICULAR PUNISHMENT IMPOSED: This type of behavior will not be tolerated.

CREDIT FOR PRE-HEARING DETENTION TIME? YES(DAYS) NO / NA

DATE PLACED IN PRE-HEARING DETENTION: N/A HEARING LENGTH 3.54 (MINUTES)

OFFENDER SIGNATURE FOR RECEIPT OF FINAL REPORT: *[Signature]*

HEARING OFFICER (PRINT) WARDEN REVIEWER SIGNATURE

(FORM 1-47MA) CONTACT COUNSEL SUBSTITUTE IF YOU DO NOT UNDERSTAND THIS FORM.

(REV. 04-10) COMUNIQUESE CON SU CONSEJERO SUSTITUTO SI NO ENTIENDE ESTA FORMA

EX-048



SUBJECT: State briefly the problem on which you desire assistance.

Dear Ms. Klock

I was told to send you an I-60 and request for you to sign me up for the Mental Health Therapeutic Diversion Program.

I would really like to participate in this program because I want to receive all the help that I can get to remedy my depression. I am really desperate for help right now. Every day my depression worsens. You told me that I need to find something to do so I did. I found this MHTDP and I really want to do it.

Name: Juan Javier Ornelas

No: 01758617

Unit: Eastham

Living Quarters: ~~C-27~~ G-2-10

Work Assignment: Ad. Seg

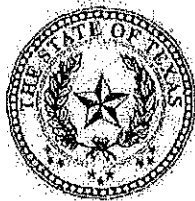
DISPOSITION: (Inmate will not write in this space)

RECEIVED MAR 17 2017

SCANNED

4-60 (Rev. 11-90)

Ex: B-049



Texas Department of Criminal Justice  
**STEP 2** **OFFENDER**  
**GRIEVANCE FORM**

Offender Name: Juan Javier Ornelas TDCJ # 01758617  
 Unit: Eastham Housing Assignment: C-2-7  
 Unit where incident occurred: Boyd Unit

OFFICE USE ONLY	
Grievance #:	<u>2017079154</u>
UGJ Recd Date:	<u>MAR 21 2017</u>
HQ Recd Date:	<u>MAR 23 2017</u>
Date Due:	<u>4-30</u>
Grievance Code:	<u>008</u>
Investigator ID#:	_____
Extension Date:	_____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Alexander Hamilton, a former O.S. inspector who was assigned to Boyd Unit in 2016, acted with a reckless disregard of my right to be free from sexual and physical assaults by another offender (James Brown TDCJ # 01981212) and refused to fully comply with the PREA Law and TDCJ's Safe Prisons / PREA Plan. His actions caused me to be repeatedly sexually and physically abused / assaulted, which caused me serious physical and mental injury, pain and suffering and violated my rights under the Eighth Amendment to the United States Constitution. Copies of X-60's sent to Alexander Hamilton requesting his assistance in April of 2016 were given to L. Haynes of Eastham Unit on 2/8/17. Alexander Hamilton was fired for (according to an investigator) some sort of sexual misconduct with a TDCJ staff member. I reported this issue to SCC on Telford Unit on 9/15/16 to: Warden Townsend, Case Manager Karen Norris and SCC member (Y.B.) who also refused to comply with the PREA Law and TDCJ's Safe Prisons / PREA Plan. Their actions caused a delay in the investigation into this issue and also a delay in my medical and mental treatment which caused me unnecessary serious physical and mental injury, pain and suffering that violated my rights. Other TDCJ Telford Unit employees who witnessed this illegal action and failed to correct that misconduct and encouraged the continuation of the misconduct and also refused to fully comply with the PREA Law and TDCJ's Safe Prisons / PREA Plan are the

following: MHR Manager, Lt. Clark, E. Walter, Facio, and B. Howard. These

J-128 Front (Revised 11-2010)

FOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G

**COPY**

EX: B-050

individuals also violated my rights by causing me pain, suffering, physical injury and emotional distress. Documentary evidence supporting these facts were given to S. Steel of Eastham Unit on 3/2/17 (I-go to MHMR of Telford Unit (SEE ALSO: Grievance # 2017008169) SEE ALSO: SCC file: written statement on 9/15/16) L. Haynes and S. Steel of Eastham Unit then retaliated against me for reporting all of this with meritless disciplinary cases - violating my rights by causing me pain, suffering, physical and mental injury.

Offender Signature:

*Juan Javier Canelas*

Date: 3/19/17

Grievance Response:

Your allegation of this incident has been forwarded to the Office of the Inspector General. Based on their review of your grievance, they have assigned OIG case #1700002448.

Signature Authority:

C. MARTINEZ

Date:

APR 05 2017

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted.\*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

## OFFICE USE ONLY

Initial Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

COPY

**CORRECTIONAL MANAGED CARE  
OUTPATIENT MENTAL HEALTH SERVICES**

**Outpatient Clinical Interview (Psychologist/Psychotherapist)**

**Patient Name:** ORNELAS, JUAN J **TDCJ#:** 1758617 **Date:** 03/24/2017 13:34**Facility:** EASTHAM (EA)  
Information from clinical interview: pt. reports he is upset over "some bogus cases from those two in Safe Prisons".  
Allowed him to vent his frustrations. Discussed stress management skills. he declined needing anger management counseling. No distress noted. Denied s.hi.

O: Mental Status Exam (may use decision tree)  
MENTAL STATUS EXAM

Appearance  
    Age  
        Appears Stated Age  
    Stature  
        Average Height  
    Weight  
        Average Weight  
    Clothing  
        Clean, Neat  
    Grooming  
        Normal  
    Posture/Gait  
        Normal  
    Motor Activity  
        Unremarkable  
Sensorium  
    Attention  
        Normal  
    Concentration  
        Normal  
    Orientation  
        Oriented X 4  
    Recall/Memory  
        Normal  
Relating  
    Eye Contact  
        Normal  
    Facial Expression  
        Happy  
    Attitude Toward Examiner  
        Cooperative  
Affect & Mood  
    Affect  
        Appropriate  
    Mood  
        Euthymic  
Speech & Thought  
    Speech Flow  
        Normal  
    Thought Content  
        Appropriate To Mood/Circumstances  
Preoccupations



**STEP 1** **OFFENDER**  
**GRIEVANCE FORM**

OFFICE USE ONLY

Grievance #: \_\_\_\_\_  
Date Received: 050517  
Date Due: 06/04/19  
Grievance Code: 490  
Investigator ID #: 1-21108  
Extension Date: \_\_\_\_\_  
Date Retd to Offender: \_\_\_\_\_

Offender Name: Juan Javier Ornelas TDCJ # 01758617  
Unit: Estelle (H.S.) Housing Assignment: H-224  
Unit where incident occurred: Estelle (H.S.)

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Ad. Seg. Commissary Officer When? 5-2-2017  
What was their response? I don't know why you are on commissary restriction.  
What action was taken? None

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I'm not sure what's going on here. All I know is that I  
was placed on commissary restriction without any due process  
at all. To my knowledge I have not been given any type  
of disciplinary case while assigned to Estelle High Security  
Unit. The only thing that I can think of that would cause  
all of this is 2 old major cases that I received on  
the Eastham Unit while assigned there. But those cases are  
"old" and I made it clear to Eastham Unit that I did  
indeed want to attend the disciplinary hearings on those  
cases and defend myself from those false allegations. I  
do not understand how I could be denied my due process  
rights and railroaded this way. I want to know what's  
going on here. Why was I placed on commissary  
restriction without any due process? Another thing if a  
disciplinary hearing was held on me without me being  
there I am still supposed to receive some type of  
notice and an opportunity to appeal its results. I have  
not received any type of notice "at all". I received no  
Form I-47 MA Disciplinary Report and Hearing Record.

050517

## Action Requested to resolve your Complaint.

I want my due process rights: notice: and opportunity to appeal case that placed me on commissary restriction.

Offender Signature: Juan Javier ArrelanDate: 5-2-2017

Grievance Response:

Signature Authority: \_\_\_\_\_

Date: \_\_\_\_\_

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☒ 1. Grievable time period has expired. 050517
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: R. Lerma 050517

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

## OFFICE USE ONLY

Initial Submission UGI Initials: 1-2193

Grievance #: 2017131989

Screening Criteria Used: 01 499

Date Recd from Offender: 050517

Date Returned to Offender: 050517

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

Appendix F

EX: B-054





**TRANS PRIDE  
INITIATIVE**

Texas Department of Criminal Justice  
Ombudsman Coordinator  
P.O. Box 99  
Huntsville, Texas 77342-0099

June 12<sup>th</sup>, 2017

re: request for safekeeping, Juanita(Juan Javier) Ornelas, TDCJ #1758617

To the Texas Department of Criminal Justice Ombudsman Coordinator:

I am writing on behalf of a transgender woman, Ms. Ornelas, Texas Department of Criminal Justice (TDCJ) number #1758617, currently incarcerated at the Estelle Unit.

As per request by Gigi Jamison of UTMB Quality Services, and as coordinated by Ms. Jamison with the Ombudsman Office in a telephone call on February 11, 2016, I am directing this to your office for distribution to the proper TDCJ offices. This letter should be forwarded to the PREA Ombudsman.

Ms. Ornelas is temporarily housed at Estelle Unit because she is undergoing physical therapy for her right hand and wrist. She is unsure, but she feels as if she will be transferred back to Eastham after the physical therapy is complete. She is worried that Eastham Unit is unsafe for her due to threats she has received and instances of sexual abuse she has experienced in the past. The following paragraphs will explain her past experiences that have lead us to believe that she is in need of safekeeping.

**Rape on April 24<sup>th</sup>, 2016 and subsequent problems at Boyd Unit**

While on the Boyd Unit, Ms. Ornelas was sexually abused multiple times by another incarcerated person named James Brown. After continually harassing and intimidating her, he coerced her into sex with threats that he would tell people she was an informant for the Office of the Inspector General. On the occasions she would refuse to give in to these threats, he punched her in the back of the head. She allegedly reported this to O.I.G. Alexander Hamilton and asked for help, but she was ignored.

This sexual abuse went on for a time, culminating in forced anal rape on April 24<sup>th</sup>, 2016. Mr. Brown reportedly punched her in the head then forced himself onto her. She informed Alexander Hamilton about this once again, claiming that she was bleeding and in pain, but was ignored once again. Later, she reports experiencing retaliation for reporting the abuse to the O.I.G. Alexander Hamilton.



**TRANS PRIDE  
INITIATIVE**

The Boyd Unit's administration allegedly received reports that Ms. Ornelas' life was in danger, and for that reason they placed her in Administrative Segregation. It seems as if she was asked by the administration to file an OPI. Instead of referring to the threats they have received, they told her to reference the assault that occurred on April 24<sup>th</sup>, 2016. She complied with these instructions, and also requested a transfer as well as to be given safekeeping status during this time. She was denied safekeeping status, but was transferred to Telford and then to Eastham.

**Subsequent events at Eastham**

It seems as if Eastham Unit conducted an investigation into her sexual abuse at Boyd Unit. Despite this investigation, apparently she reports some PREA violations at Eastham. She reports filing either formal or informal complaints about these violations at Eastham, and later experiencing retaliation for that.

Because of these events, we feel that Ms. Ornelas shouldn't be transferred back to Eastham on release from her medial treatment at Estelle, and that she meets the qualifications for safekeeping. We highly recommend that she be transferred to a unit other than Eastham once she leaves Estelle unit, or that she should be designated for safekeeping status.

We look forward to receiving communication from your office that this issue is being addressed.

Sincerely,

Tyler Freeland  
Trans Pride Initiative



## Texas Department of Criminal Justice

# STEP 1

## OFFENDER GRIEVANCE FORM

OFFICE USE ONLY	
Grievance #:	2017187649
Date Received:	AUG 11 2017
Date Due:	09/20/17
Grievance Code:	209
Investigator ID #:	JH802168
Extension Date:	
Date Retd to Offender	SEP 07 2017

Offender Name: Juan Javier Omelas TDCJ # 01758617Unit: Estelle (H.S.) Housing Assignment: H-204Unit where incident occurred: Estelle (H.S.)

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? SCC When? 8-10-2017What was their response? You are going to stay in seg for a long time.What action was taken? Held in ad-seg illegally.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

Appealing SCC's decision made on 8-10-2017. I was told that I am now being held in ad-seg due to being "sexually assaultive". I am not sexually assaultive! I have never threatened or assaulted anyone sexually or in any other way. SCC mentioned disciplinary case # 20170207590 to support their decision. That case is not a sexual assault case, and it was written in retaliation of me reporting violations of the PREA Law and sexual abuse done "to me". "I was the one who was sexually assaulted"! All of this is currently being investigated by the O.I.G. case # 1700002448. This is completely outrageous!!!

Now I have been asked to give SCC 6 months in ad-seg. I did that. Then I was asked to give them 1 year. I did that. I have now been in ad-seg for a total of 1 year and 3 months.

I have just completed months of physical therapy in which I physically interacted with medical staff in close proximity to other inmates (G.P.) while wearing no restraints and without causing any type of threat or danger to them or security. This shows that I am no threat to staff, inmates or security.

To say that I am "sexually assaultive" is a false statement. And to place that statement on state

AUG 11 2017

documents is falsifying state documents. And to use such false statements / documents as tools to restrain me in my liberty in extreme conditions is a violation of my state and federal constitutional rights. I do not willingly accept these actions and therefore respectfully appeal SCC's decision. AUG 11 2017

(2) Attachments (documentary evidence / pertinent info).  
Filed in preparation of litigation and LGBT media release. AUG 11 2017

\*Note: Please return my attachments - thank you.

Action Requested to resolve your Complaint.

Requesting: a thorough investigation into this legal matter, a 90 day special review and release from ad seg.

Offender Signature: Juan Javier Cendras Date: 8-10-2017

Grievance Response:

Your complaint has been noted by this office. According to Classification, you were placed into Administrative Segregation (Ad-seg) due to a weapon. In regards to the disciplinary of sexual misconduct, it states consensual act by self admission. Your custody level LEVEL 1 mandates you are housed in Ad-seg. It was State Classification decision on 08/11/2017 that you remain in Ad-seg for these reasons. No further action is warranted by this office.

Signature Authority:

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

WARDEN PRESTWOOD

Date: 8/11/17

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

Appendix F

EX-B-058



Texas Department of Criminal Justice  
Ombudsman Coordinator  
P.O. Box 99  
Huntsville, Texas 77342-0099

September 2, 2017

re: request to investigate retaliation, remove false charges, and provide safekeeping housing,  
Juanita (Juan Javier) Ornelas, TDCJ #1758617

To the Texas Department of Criminal Justice Ombudsman Coordinator:

I am writing on behalf of a transgender woman, Ms. Juanita Ornelas, Texas Department of Criminal Justice (TDCJ) number #1758617, currently incarcerated at the Estelle Unit.

As per prior request, I am directing this to your office for distribution to the proper TDCJ offices. This letter should be forwarded to the PREA Ombudsman and to the State Classification Committee. Trans Pride Initiative (TPI) will forward the letter ourselves to the Office of the General Counsel.

### **Issue Summary**

In 2016, Ms. Ornelas tried to report sexual harassment and sexual abuse against her on Boyd Unit. Her reports were ignored, and as a result, Ms. Ornelas was physically assaulted on April 24. Instead of providing protection, it appears that officers at Boyd and at subsequent units have retaliated against Ms. Ornelas by re-victimizing her with false cases and interfering with her access to legal remedies. Further, it now appears that the abuse is not only being considered "consensual," but there is an effort to blame her for the abuse against her. A summary time line is presented here, with details in the Issue Discussion.

- April 2016, Ms. Ornelas was repeatedly sexual abused by James Brown; reported to Boyd Unit Office of the Inspector General (OIG); no investigation conducted.
- April 24, 2016, Ms. Ornelas was physically assaulted by James Brown for refusing sexual abuse; assault reported to Boyd Safe Prisons.
- May 16, 2016, Ms. Ornelas was placed in protective custody due to threats against her life at Boyd Unit. Her cell and person searched, nothing of note found.
- May 17, 2017, Ms. Ornelas' former cell was searched again a day later, after others had access to the cell, and a weapon was found; Ms. Ornelas was charged with weapon possession.



## TRANS PRIDE INITIATIVE

- September 15, 2016, Ms. Ornelas, then at Telford Unit, felt safe enough to report sexual abuse again; no action was taken. She continued to try to address false weapons possession charge and get attention to the sexual abuse issue.
- November 2016, Ms. Ornelas discussed issues with Eastham mental health staff Kimberly Klock and decided to continue to try to address the sexual abuse issue. Her grievances were ignored until late January 2017.
- February 8, 2017, approximately 10 months after first reporting, Safe Prisons interviewed Ms. Ornelas about the sexual abuse, but instead of investigating, filed a consensual sex case against Ms. Ornelas.
- February 28, 2017, OIG investigator admitted OIG failed to act properly in 2016 and the investigator stated he would investigate the case.
- March 2, 2017, Safe Prisons interviewed Ms. Ornelas again, informing her that the earlier Safe Prisons investigation was not done properly; they stated that the issue would be addressed. Instead, and unknown to Ms. Ornelas, the investigator wrote another consensual sex case against Ms. Ornelas.
- Without informing Ms. Ornelas, the hearing was held for the March 2 consensual sex case. Ms. Ornelas was not allowed to make a statement or participate in the hearing. She was found guilty. She discovered the case on July 24, after being denied commissary.
- On August 10, 2017, the State Classification Committee (SCC) informed Ms. Ornelas she is on file as "sexually assaultive." Ms. Ornelas does not know why this is being claimed; SCC provided no meaningful details.

### Request for Redress

This appears to be an issue of retaliation against Ms. Ornelas for reporting a sexual assault, prohibited under PREA guidelines and TDCJ policy. This serves not only to deny Ms. Ornelas of her basic human rights, but also interferes with TDCJ prevention efforts addressing sexual harassment, sexual abuse, and other violence. To address the issue, we are requesting the following actions.

- Investigation of the disciplinary cases against Ms. Ornelas since April 2016 as retaliatory treatment.
- Provide Ms. Ornelas with documentation that justifies the assessment of "sexually assaultive" or remove that assessment from her record.
- Remove the false weapons charge and false consensual sex cases from her record.
- Provide safekeeping housing.





## TRANS PRIDE INITIATIVE

### Discussion of the Issues

We previously wrote to the Office of the Ombudsman concerning Ms. Ornelas (our letter dated June 12, 2017) to request safekeeping status. We have since looked more closely at the issues Ms. Ornelas has reported, and we believe this history represents egregious abuses by TDCJ staff and administration, and that the injustices she is experiencing are increasingly interfering with her rights to address inhumane treatment. Our initial request, assigned Inquiry Number 05-6439-01, appears to have prompted no substantive investigation or response; the Office of the Ombudsman dismissed the issues by simply stating that Ms. Ornelas' "current custody status and housing assignment are appropriate."

We believe that represents negligence in recognizing the actual facts of the issue. This subsequent letter is not an amendment of or supplement to the June 12 letter, this is a separate report of what appears to be gross negligence on the part of TDCJ by failing to investigate sexual abuse, by attempting to cover up that failure, and by punishing the victim for reporting her experience of sexual abuse.

### Sexual Abuse Against Ms. Ornelas in 2016

In early 2016, an incarcerated individual named James Brown<sup>1</sup> began sexually harassing Ms. Ornelas at the Boyd Unit. The harassment included unwelcome sexual advances and requests for sexual favors, and it was accompanied by intimidation and attempts to coerce Ms. Ornelas into providing sex in exchange for protection against violence Mr. Brown could foster. Mr. Brown stood at about 6'4" and significantly outweighed Ms. Ornelas, who stands at about 5'9". Knowing that unit staff were unlikely to protect her if reported, Ms. Ornelas eventually conceded to the coerced oral sex for her own safety.

When Ms. Ornelas was moved to a different wing, the harassment and forced sex stopped until Mr. Brown was moved into the same wing and again tried to coerce her into providing sex. After her initial refusals, Mr. Brown began threatening to spread rumors that Ms. Ornelas was informing on contraband trafficking. She then agreed to the coerced oral sex forced by Mr. Brown, but also informed the unit OIG investigator, identified as a Mr. Hamilton, of the abuse in an attempt to seek protection. The OIG investigator did not address the situation and appears to have provided no attempt to protect her; Ms. Ornelas continued to experience sexual harassment and sexual abuse from Mr. Brown repeatedly during April 2016.

Then on April 24, 2016, Mr. Brown assaulted Ms. Ornelas. This was witnessed by several officers and incarcerated persons, and reportedly was documented in Disciplinary Case 20160253174.

1. Brown was later identified by Eastham Unit Safe Prisons/PREA Manager S. Steel as having TDCJ Number 1981212. An August 29 search of the TDCJ online records indicates no incarcerated person with this number in the system at this time. We do not know if Ms. Steel's identification is correct or not.



### Subsequent Threats, Initial Retaliation

On May 16, 2016, Ms. Ornelas reports that she was told by ranking officers at Boyd Unit that her life was in danger. She was removed from general population and placed in protective custody by a gang intelligence officer named Benny Boykin.

Mr. Boykin then instructed Ms. Ornelas to complete an Offender Protection Investigation (OPI) form and to state therein that her safety was in danger due to reporting the April 24 attack by Mr. Brown. Ms. Ornelas completed the form as instructed. She also disclosed that there were rumors that she had informed on persons running contraband. As stated above, Mr. Brown had used threats of spreading such rumors to force Ms. Ornelas to engage in oral sex.<sup>2</sup>

The following day, May 17, 2016, Ms. Ornelas was given Disciplinary Case 20160281695 for possession of a weapon. Although her cell and her body had been searched May 16 with no results, Mr. Boykin claimed to have found the weapon during a search the following day, after other persons had ample opportunity to access her cell.

Ms. Ornelas appealed the guilty hearing decision through Step 2 (see Grievance Number 2016146930), rightfully questioning how the weapon—found not in her possession but in a cell a day after she was removed from that cell; and after the initial search revealed no weapon—could constitute “a preponderance of evidence” that a weapon was in her possession. Instead, this appears to be insufficient/improper evidence to support a finding of guilt.<sup>3</sup> Subsequently, Ms. Ornelas tried to seek legal recourse for the wrongful finding, but she was repeatedly denied legal visits, potentially interfering with Ms. Ornelas’ right of access to courts.

### Transfer to Telford Unit

On or about June 13, 2016, Ms. Ornelas was transferred to Telford Unit. On September 15, 2016, she was seen by the SCC, which was reviewing her placement in administrative segregation. At this point, Ms. Ornelas felt she could disclose the sexual abuse by Mr. Brown and the OIG’s failure to investigate, and discussed the issues and the committee review meeting. The SCC appears to have taken no action to investigate the issue, and left Ms. Ornelas in administrative segregation.

2. Ms. Ornelas reports that she did not disclose at that time that Mr. Brown had been sexually abusing her because OIG investigator Hamilton had ignored that information, and because she was afraid disclosing it to Boyd staff would further endanger her safety. Officers often disclose such reports but provide no protection from assailants or their associates, which greatly increases the risk of violence against persons reporting sexual abuse. This behavior by TDCJ staff discourages reporting of sexual harassment and sexual abuse.
3. TDCJ defines “preponderance of evidence” as “evidence of greater weight or more convincing than the evidence which is offered in opposition to it, that is, evidence which as a whole shows that the fact sought to be proven is more probable than not.” There appear to be ample reasons for Ms. Ornelas’ safety to have been at risk, either through direct attack/assault or through being set up for a false case. These include the prior assault by Mr. Brown, the disciplinary case against Mr. Brown and supported by Ms. Ornelas, and the claims of there being a threat against her safety according to Boyd Unit staff. These weighed with the fact that Ms. Ornelas does not have a recent history of any violent behavior or weapons possession cases indicate the assumed possession of the weapon is circumstantial at best, but certainly not a “preponderance of evidence.”



On September 22, 2016, Ms. Ornelas reports that she met with a Telford Unit mental health counselor and expressed her depression and frustration at TDCJ's refusal to address either the false weapons charge or the sexual abuse.

#### **Transfer to Eastham Unit, Subsequent Retaliatory Actions**

On or about November 10, 2016, Ms. Ornelas was transferred to the Eastham Unit. She once again confided in the unit mental health personnel (Kimberly Klock), reporting the sexual abuse by Mr. Brown. Ms. Ornelas reports she then filed several I-60s to try to get some attention to the issue, but none had any response until January 21, 2017, when Grievance Number 2017079154 was addressed.

In response to Grievance Number 2017079154, Safe Prisons officer Ms. L. Haynes conducted an OPI investigation on February 8, 2017. Although the sexual abuse was initially reported in April 2016, was reported again in June 2016, and was reported multiple times from November 2016 through January 2017, this appears to constitute the first time that the agency has opened an investigation.

However, instead of a proper investigation, Ms. Ornelas reports that Ms. Haynes tried to blame Ms. Ornelas for the abuse she suffered. Ms. Haynes is reported to have noted that she could not find James Brown in the system.<sup>4</sup> To reinforce Ms. Haynes' false accusation, she cited Ms. Ornelas with Disciplinary Case 20170190784. It appears that this was for making a false statement or consensual sex, but TPI has not seen this report yet.

Then on February 28, 2017, OIG investigator Ben Gardner interviewed Ms. Ornelas about the sexual abuse documented in Grievance Number 2017079154. Mr. Gardner is reported to have apologized for OIG investigator Hamilton's failure to follow TDCJ policy, and stated he would investigate the sexual abuse. We have no further information about whether it was investigated.

Officer Ms. S. Steel, who like Ms. Haynes represented the Eastham Safe Prisons/PREA office, interviewed Ms. Ornelas for a new OPI on March 2, 2017. Ms. Steel is reported to have told Ms. Ornelas that Ms. Haynes had not conducted the initial interview properly, but Ms. Steel continued to try to cast blame on Ms. Ornelas for the sexual abuse against her. However, Ms. Steel, reported that she would "write up the investigation."

On March 6, 2017, Ms. Ornelas was informed that Grievance Number 2017079154 was found "unsubstantiated." As an indication of underlying reasons for the dismissal of the grievance, Ms. Ornelas reports that she was criticized by administration at Eastham — Ms. Haynes, Ms. Steel, and Assistant Warden Johnson all criticized her for reporting the abuse to OIG's Mr. Hamilton instead of TDCJ staff. To discouraging such reporting is not only a clear violation of PREA regulations that state she can report to any party with which she feels comfortable, it also clearly undermines TDCJ's alleged "zero tolerance" for sexual harassment and sexual abuse.

4. Note that there are currently about 24 James Browns in the system, and that a short time after this statement from Ms. Haynes, the specific James Brown alleged to have assaulted Ms. Ornelas was identified by TDCJ number 1981212.



In March or April, Ms. Ornelas was transferred to Estelle Unit, where she is currently housed.

#### **Victim Blaming: Consensual Sex Case and Procedural Violations at Hearing**

It appears that by "write up the investigation," Ms. Steel actually meant she would write a disciplinary case, now identified as Disciplinary Case 20170207590. Ms. Ornelas did not know the case had been written up until July 24, 2017.

The copy of that case report indicates that on March 2, 2017, Ms. Ornelas "did engage in a consensual act with James Brown #1981212, by engaging in homosexual conduct, by self admission in a written statement."

Such a disciplinary case serves no purpose except to blame a survivor of sexual abuse for the actions of her abuser. Ms. Ornelas would have nothing to gain creating a false report of sexual abuse because Mr. Brown is no longer in TDCJ custody, so reporting the action is not likely to get her moved or result in any action against Mr. Brown due to the length of time that has passed because the OIG failed to investigate the initial report. **The only reasons for filing such a disciplinary case are 1) as retaliation for reporting sexual abuse to OIG, and 2) to discourage future reports of sexual abuse.**

The hearing for Disciplinary Case 20170207590, which took place April 18, 2017, shows that Ms. Ornelas indicated she did wish to attend the hearing, although she does not recall even being informed of the disciplinary case—it is assumed her "response" was completed without Ms. Ornelas' participation. A person named "Smith" was apparently the counsel substitute at the hearing, and the hearing record indicates Ms. Ornelas had no statement, but due to the history of these issues and her advocacy for her rights around this issue, it is highly unlikely that she would have made no statement on her own behalf. The hearing is noted to have taken less than four minutes. She was found guilty of a case because she reported a sexual assault, and appears to have not even been provided the opportunity to make a statement about the case.

On July 24, 2017, Ms. Ornelas reported to us that she had just that morning received the hearing record for Disciplinary Case 20170207590, which she had to purchase from the Law Library. She only learned that something had happened when she was told she was restricted from commissary purchases. She has tried to file a grievance about the issue, only to be told that the grievable time period had expired. However, this seems to be contrary to the rule in AD-03.82 that she has 15 days from when she "became aware or should have become aware of the incident or problem." Granted, she should have been aware of it long before—but that was due to TDCJ staff's failure to follow proper procedure and inform her, not due to any negligence on her part.

#### **Victim Blaming Becomes False "Sexually Assaultive" Claim**

On August 10, 2017, Ms. Ornelas saw SCC for another administrative segregation review hearing. She was told that she would remain in administrative segregation into next year (Form I-189 indicates until February 2017, but we assume that is in error and should be 2018). That was



## TRANS PRIDE INITIATIVE

not so much a surprise due to the highly problematic disposition of Disciplinary Case 20170207590, but it is certainly problematic that in addition to keeping her in administrative segregation due to false charges, SCC is now claiming she is "sexually assaultive," which apparently means that her efforts to report a sexual abuse against her have resulted not just in being misrepresented as consensual sex, but also to misrepresent her as the assailant.

Ms. Ornelas has filed a grievance against this, and TPI fully supports her actions to address the egregious behavior of TDCJ staff.

### Conclusion

As stated in our Request for Redress, the treatment Ms. Ornelas has experienced appears to indicate protracted and deliberate retaliation for reporting a sexual abuse.

**The history of this abusive behavior appears to violate multiple provisions in PREA regulations, including at a minimum §§115.11, 115.31, 115.34, 115.62, 115.67, 115.73.**

**This history of abusive behavior appears to violate multiple TDCJ policies, including at a minimum policies in:**

- The "Safe Prisons/PREA Plan" covering
  - Negligence by the Unit Safe Prisons/PREA Manager at Eastham Unit,
  - Failure to follow Immediate Response protocol,
  - Failure to to appropriately follow policy in Obtaining Information from Offenders,
  - Neglect of duties related to Reporting Allegations,
  - Failure to ensure Protection from Retaliation, and
  - Failure to provide appropriate Investigations.
- Policy PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees," for Substandard Duty Performance, Falsification of Records, and Denial of Uniform Access to Courts.
- Policy BP-03.81, "Rules Governing Offender Access to the Courts, Counsel, and Public Officials," for interfering with access to legal visits and possibly failure to provide requested materials.

Once again, we are requesting that this denial of Ms. Ornelas' basic human and constitutional rights—and TDCJ's failure to have an effective policy to prevent sexual harassment, sexual abuse, and other violence—be in part addressed by taking the following actions.

- Investigate the disciplinary cases against Ms. Ornelas since April 2016 as retaliatory treatment.
- Provide Ms. Ornelas with documentation that justifies the assessment of "sexually assaultive" or remove that assessment from her record.



**TRANS PRIDE  
INITIATIVE**

- Remove the false weapons charge and false consensual sex cases from her record.
- Provide safekeeping housing.

We look forward to receiving communication from your office that these issues are being appropriately addressed instead of continuing to blame the survivor of sexual abuse.

Sincerely,

Nell Gaither, President  
Trans Pride Initiative

cc: Office of the General Counsel  
Austin Community Law Center



**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

**SAFE PRISONS/PREA PROGRAM**

**Offender Notification Brochure**

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**Date:** 09/06/2017

**To:** Ornelas, Juan Javier #1758617

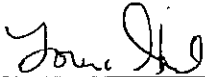
**Subject:** OIG Case #1700002448 / Incident # I-02319-02-17

On 2/27/2017, you made an allegation of sexual assault, which prompted a criminal investigation. That allegation resulted in the opening of a criminal case by the Office of the Inspector General (OIG).

The alleged suspect is Brown, James.

According to information received from the OIG, it has been determined that the allegations are **Unsubstantiated**.

This document serves as your final notification if the above criminal case was determined unsubstantiated or unfounded. Following a substantiated case, you will only receive subsequent notification(s) following the suspect assailant indictment or conviction on the related charge. If you need assistance understanding the information contained in this brochure, you may contact the Safe Prisons/PREA Manager on your unit.



---

Lorena Steinbecker  
Safe Prisons/PREA Program Manager

Cc: File

EX: B-067



*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

**Dale Wainwright**  
Chairman

October 17, 2017

ORNELAS, Juan #1758617  
Estelle Unit  
264 FM 3478  
Huntsville, Texas 77320-3320

RE: SA-200506439-00003

Offender Ornelas,

This letter is in response to correspondence received on October 03, 2017, from Trans Pride Initiative, Nell Gaither; in the Texas Department of Criminal Justice (TDCJ) Ombudsman Office regarding allegations of you being sexually abused by an offender at the Boyd Unit. The information was forwarded to the PREA Ombudsman Office for investigation.

The TDCJ has zero tolerance for sexual abuse and sexual harassment and requires all allegations of sexual abuse and sexual harassment to be thoroughly investigated. The PREA Ombudsman Office is responsible for the oversight of administrative investigations concerning allegations of sexual abuse and sexual harassment. We fully review each administrative investigation and the unit's response to allegations of sexual abuse and sexual harassment. In addition, allegations of sexual abuse we receive are referred to the TDCJ – Office of the Inspector General (OIG) for possible criminal investigation. If you have any questions regarding an OIG case, you may contact the OIG at P.O. Box 4003, Huntsville, Texas 77342.

The PREA Ombudsman Office conducted a review of the unit's administrative investigative reports regarding the allegation of sexual abuse, to include statements. We found the investigation was conducted appropriately and in accordance with TDCJ policies and procedures. Records indicate all allegations have been previously reported and investigated.

The PREA Ombudsman Office completed the investigative review on October 17, 2017, and determined the allegation of sexual abuse to be unsubstantiated. Please note that "unsubstantiated" means there was insufficient evidence to make a final determination whether or not the incident occurred.

Additionally, there are many factors considered by the TDCJ in the placement of an offender in Safekeeping housing. The State Classification Committee (SCC) ultimately makes the final determination. The PREA Ombudsman Office does not make the determination for placement.

Sincerely,

*Teresa Hosea*

Teresa Hosea,  
Program Specialist I  
PREA Ombudsman Office

cc: File



## Texas Department of Criminal Justice

## STEP 1

OFFENDER  
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2018072450Date Received: 011818Date Due: 02/27/2018Grievance Code: 302Investigator ID #: I2015

Extension Date: \_\_\_\_\_

Date Retd to Offender: 02 FEB 2018Offender Name: Juan Javier Ornelas TDCJ # 01758617Unit: Estelle (H.S.) Housing Assignment: H-204Unit where incident occurred: Estelle (H.S.)

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Disciplinary Captain Benson (I-60) When? 1-9-18What was their response? No responseWhat action was taken? Ignored my I-60 / request

011818

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

On (1-9-18) I sent an I-60 to the Disciplinary Captain requesting the (FINDINGS) on my disciplinary case #20170190784 and I never received a response of any kind. 011818

This is not an appeal. I am requesting this information because it is relevant evidence to my legal case #4:17-cv-03861. 011818

I was not allowed to attend the disciplinary hearing for this disciplinary case and I never received a copy of Form I-47MA for this case so I don't know anything about it FINDINGS.

I tried to purchase a copy of this Form I-47MA several months ago through the Open Records Act / LawLibrary but I never received it. So I'm assuming that they did not have it in their computer under my file. 011818

I believe that I was found "Not Guilty" in this disciplinary case because it was a bogus case. If so, this case is in the "Unit Disciplinary Archive File." 011818

GR-106 states: quote: pg 18) Information regarding not guilty findings shall only be used for legal or grievance issues. end of quote. 011818

With that said, I have a legitimate request and need for this information. If you will not give me a copy of this Form I-47MA, please just give me its FINDINGS, (Guilty-or-Not Guilty). There is no legitimate reason for any TDCJ official to deny me this information. I have the right to know if I 011818

have been found guilty - or - not' of any disciplinary case written on me. 011818

Note: This case was written by Leontyne Haynes of the Eastham Unit on 2-28-17. I believe the case was transferred here to Estelle (H.S.) in April 2017.

011818

Action Requested to resolve your Complaint.

Requesting the FINDINGS for disciplinary case #20170190784

Offender Signature: Juan Javier Ornelas

Date: 1-18-18

Grievance Response:

Your complaint has been noted by this office. Captain Vincent states that he spoke with you on 01/24/18 and your issue regarding the disciplinary case has been taken care of. Your grievance has been resolved accordingly. No further action is warranted at this time.

Warden Lacox

Signature Authority: CL

Date: 2/1/18

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (1-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

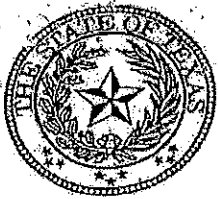
UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

**OFFICE USE ONLY**

Initial Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 2<sup>nd</sup> Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_  
 3<sup>rd</sup> Submission UGI Initials: \_\_\_\_\_  
 Grievance #: \_\_\_\_\_  
 Screening Criteria Used: \_\_\_\_\_  
 Date Recd from Offender: \_\_\_\_\_  
 Date Returned to Offender: \_\_\_\_\_



RESUBMISSION

Texas Department of Criminal Justice

STEP 2

OFFENDER  
GRIEVANCE FORM

Offender Name: Ornelas, Juan TDCJ # 1758617  
 Unit: E2 Housing Assignment: H204  
 Unit where incident occurred: E2

OFFICE USE ONLY

Grievance #: 2018072450  
 UGI Recd Date: 03.15.18  
 HQ Recd Date: MAR 23 2018  
 Date Due: 04.24  
 Grievance Code: 302  
 Investigator ID #: I1364  
 Extension Date: 6/3/18  
 JUN 04 2018

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). *I am dissatisfied with the response at Step 1 because...*

This issue has not been resolved. On 1-18-18 I spoke with Counsel Substitute Ms. Bailey and she told me that Disciplinary Case # 20170190784 is not in any of the Unit's Disciplinary Records / Files. She showed me her computer screen displaying my disciplinary record and this case is not there. If I was found Not Guilty then this case should be in the Unit's Disciplinary Archive File where according to GR-106 it is to be maintained for 2 years. Why is it not there (?) On 1-24-18 I spoke to Captain Benson and Ms. Bailey again about case # 20170190784 and case # 20170207590 and they told me that they are not at liberty to give me copies of anything. I asked if I could at least inspect (see/read) them there and they said no and that I must go through Open Records to access them. I've tried to obtain these documents through Open Records and the only thing that they sent me was I-47MA Form for case # 20170207590. I received nothing for case # 20170190784. Where are all the other documents (I-47MA, I-210 and documentary evidence) for these cases (?) These cases were ran without me being present and I never received anything. I've tried to obtain these documents through various channels but I've been repeatedly denied them. Why (?) According to GR-106 I

I-128 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G

EX:B-072



have the right to access these documents for 'grievance or legal issues. I have a legal issue' 4:17-cv-03861 on the officers who wrote these cases. If there is no conspiracy, collusion or cover-up going on then why is everyone keeping all of these documents from me (?)

Offender Signature: FEB 09 2018 Juan Javier Ornelas Date: \_\_\_\_\_

Grievance Response: \_\_\_\_\_

Your Step 2 grievance has been investigated by this office. The case was dismissed prior to the hearing. Based on the facts available at this time, no further action is warranted by this office.

Offender Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Grievance Response: \_\_\_\_\_

MATT GROSS  
ASSISTANT REGION DIRECTOR

Signature Authority: [Signature]

Date: 5-17-18

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☒ 3. Originals not submitted. \* signature needed
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.\*

Offender Signature: \_\_\_\_\_

Grievance Response: \_\_\_\_\_

CGO Staff Signature: D. HURLEY, PS III

REGION I OFFENDER GRIEVANCE

Signature Authority: \_\_\_\_\_

FEB 09 2018

Returned because: \*Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.\*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments.\*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.

I-128 Back (Revised 11-2010)

# OFFICE USE ONLY

Initial Submission

CGO Initials: DA

Date UGI Recd: 02.06.18

Date CGO Recd: FEB 09 2018

(check one) ☒ Screened ☐ Improperly Submitted

Comments: NO signature

Date Returned to Offender: 3-7-18

2<sup>nd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

3<sup>rd</sup> Submission

CGO Initials: \_\_\_\_\_

Date UGI Recd: \_\_\_\_\_

Date CGO Recd: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

(check one) ☐ Screened ☐ Improperly Submitted

Comments: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

2<sup>nd</sup> Submission

Appendix G

EX-8-073

Juan Javier Ornelas # 01758617  
Estelle (H.S.) Unit  
264 FM 3478 Rd.  
Huntsville, TX. 77320

116 13.1

Legal Mail  
N-18-CV-056

Clerk, U.S. District Court  
Western District Of Texas  
800 Franklin Avenue Room 380  
Waco, Tx. 76701

**PRIORITY®**  
**★MAIL★**

DATE OF DELIVERY SPECIFIED \*

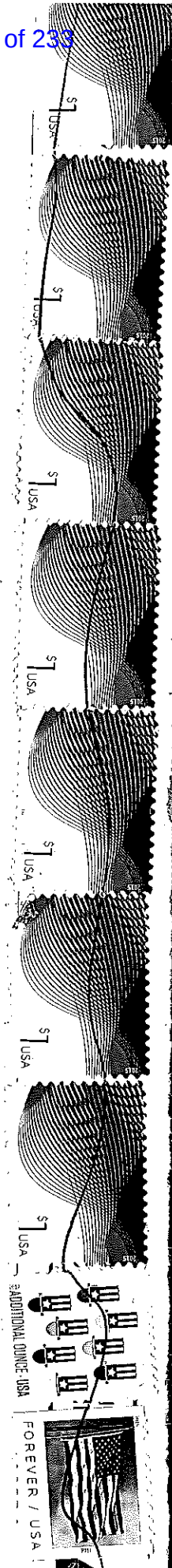
USPS TRACKING™ INCLUDED \*

INSURANCE INCLUDED \*

PICKUP AVAILABLE

\* Domestic only

INTERNATIONALLY,  
CUSTOMS DECLARATION  
LABEL MAY BE REQUIRED.



FROM: Ornelas, Juan  
IDCS # 1758617  
Estate unit  
264 FM 3478  
Hudsville, TX 77320

TO: Alert U.S. District Court  
Western District of Texas  
800 Franklin Avenue Room 380  
Waco, TX 76701